the weekly Standard

DECEMBER 21, 1998 $3.50

O! JACKIE
NOEMIE EMERY

MOMENT OF TRUTH

"Resolved, that William Jefferson Clinton, President of the United States, be impeached for high crimes and misdemeanors. . . . [He] has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States."

FRED BARNES • TUCKER CARLSON
ANDREW FERGUSON • DAVID FRUM
THE EDITORS

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the weekly Standard

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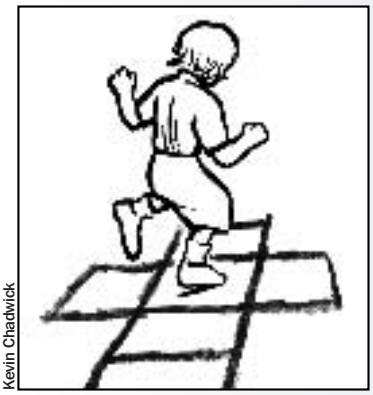

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BPA INTERNATIONAL

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With Lawyers Like These . . .

Some defense of the president that was! For most of the summer and fall, Bill Clinton's apologists have argued that the case against him boils down to a cultural offensive by the sex-hating Christian Right in league with a censorious hymn-humming prosecutor. The Scrapbook chalked this up to the politics of division and rhetorical excess, probably originating in a foul-up in James Carville's Ritalin prescription.

But there before the House Judiciary Committee was the lead witness, chastising the president as if he were a wretch at a tent revival: "What he did was sinful." Oddly enough, though, this was the considered opinion not of any of the president's Republican foes but of his defense attorney, Greg Craig.

And things got curiouser before the defense rested, culminating in the admission by Charles F.C. Ruff, the White House counsel, that "reasonable people" might conclude Bill Clinton was a perjurer. There was an intimation, subsequently fleshed out in the House Democrats' censure resolution ("the President remains subject to criminal and civil penalties") that one of these days Bill Clinton may be put on trial for perjury. So of course he has to lie! And he shouldn't be impeached, because he may be prosecuted! Some defense.

Watching this spectacle, Harvard's Harvey C. Mansfield, an occasional and distinguished contributor to The Weekly Standard, dashed off a letter to Henry Hyde last week, and he emphasizes to The Scrapbook that "it's not a *considered* opinion." The Scrapbook, however, is of the view that what Prof. Mansfield dashes off is sounder than what the president's defense team had months to prepare. An excerpt:

"Some say that [the president's] conduct does not reach the level of impeachability because a low, sordid act like his does not qualify as a high crime and misdemeanor. But sordidness is no defense! It is, on the contrary, almost an aggravation to the offense. If the president had had a high state purpose, lying might have been excusable, even praiseworthy. But lying to defend a deed of exploitation, done not in the bedroom but in the Oval Office that deserves the highest respect, is a kind of desecration. It is also an act of recklessness, totally gratuitous and even frivolous, that opened the President to blackmail and has deeply hurt the reputation of his country.

"Since impeachment is both legal and political, the standard for impeachment ought likewise to be both one and the other. I find the standard to be met in the combination of illegality in the President's perjury and of disgrace in his sordid conduct."

There you have it: a perfect synthesis of the Craig and Ruff "defense."

The Ten-Percenters

In an amazing feat of intellectual jujitsu, the White House and influential segments of the media have managed to construe the perjury and impeachment of a Democratic president—and the eerie lock-step support of that president by Democrats in Congress—as an hour of peril for, yes, the Republican party.

Almost alone in sensing danger for the Democratic party is former Democratic congressman Ben Jones of Georgia, who addressed his former colleagues in an eloquent letter last week that deserves a wider audience.

"Let me speak as a Democrat," Jones wrote, "one of 10 percent of Democrats (according to reliable polling) who believe that our president should be impeached. It is clearly a minority position in our party, but we are a party which has always fought for minority viewpoints, for inclusion, and for a diversity of ideas.

"I believe that our party is being corrupted by its support of a man who is not deserving of that support. Though Democrats may 'win' in the short term by succumbing to popular wishes, in the long term we will be in a moral desert, searching for the oasis of our soul. It is our job to clean our own wounds, and our job to lead when one of our own has erred. . . .

"A 'censure' vote is simply a way for members to pretend they have acted forcefully when in fact they have ducked the tough question, yea or nay. And a censure resolution that calls for punitive action of some sort would be a case of the legislative branch acting as a judicial branch in dealing with the executive. This would be a gross violation of the balance of powers and is clearly unconstitutional."

Maybe what the Democrats need most is a big tent.

The Squish Factor

The Scrapbook might be tempted to predict the impeachment of the president, except for the wise words of the Baltimore pundit H.L. Mencken, who

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observed famously that—how does it go?—no one ever went broke underestimating the squishiness of congressional Republicans. And it's not just the moderates, either. Consider the curious case of second-term Hoosier Republican Mark Souder.

Last January, the week *before* Monica Lewinsky became a household name, Souder spoke to an Indiana chapter of the John Birch Society. The subject? Why he supported opening an inquiry into the impeachment of Bill Clinton. But over the past year, Souder has been transformed into an outspoken opponent of impeaching the president. What happened? Souder claims he still wants to look into impeaching Clinton, it's just that he thinks the Lewinsky matter is the weakest charge against him. He says he's disappointed the House hasn't broadened the impeachment inquiry to look into campaign finance abuses and the transfer of technology to China. Privately, he's told colleagues that people lie about sex all the time, particularly in divorce proceedings.

Souder has been under enormous pressure to change his thinking about impeachment, but late last week his press secretary said there was no truth to the rumors he was about to do so. That's fueled talk Souder will face a challenge in the Republican primary in 2000. Presumably from the right. But how to outflank the John Birch society?

London Calling

Phil Lader, the U.S. ambassador to the Court of St. James, gave a talk recently in London at the annual Christmas lunch (about 600 people) of the American Chamber of Commerce. During his brief remarks, he said that we have to find a way to govern multiethnic societies such as America's, "in which African-Americans make up one third of the population." Nothing like an accurate representation of American reality abroad. Lader then tried to tell a joke. "America has just celebrated Thanksgiving. When the holiday first started, the Puritans gave thanks that they had been saved from the Indians. This year, Americans gave thanks that they had been saved from the Puritans." The anti-Starr campaign has reached London, it seems.

Clintonism of the Week

The headline over the December 8 story in the *New York Times* business section captured perfectly Microsoft CEO Bill Gates's brilliant, even Clintonian defense against the government's anti-trust case: "Gates Criticizes government's Lawyers for Tone of His Deposition." The story continued: "Gates . . . blamed the Government today for what has been widely perceived as his uncooperative attitude during a videotaped deposition. . . . 'I had expected [government lead attorney] Boies to ask me about competition in the software industry, . . . but no, he didn't do that."

So it was the government's questions that were responsible for the fact that Gates didn't have a clue what any of his own e-mails meant.

Clintonism of the Millennium

According to White House counsel Charles F.C. Ruff, Bill Clinton could not have perjured himself because "in his mind—and that's the heart and soul of perjury—he thought and he believed that what he was doing was being evasive but truthful."

In other words, if your view of reality is sufficiently distorted by self-interest, as Clinton's no doubt is, then you simply *can't* commit perjury. If you are sufficiently solipsistic, you are immune to prosecution for lying under oath.

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Casual

Kiss and Sell

Twenty years ago, my elementary-school friends teased me for dressing up on Halloween as Gene Simmons, the freakish bassist in the rock band Kiss. Last month, my Washington friends teased me for going to see Simmons—still a freakish bassist for Kiss—in concert. Some things never change.

Most readers of this magazine probably know little or nothing about Kiss. It's not a matter of ideology, though I doubt Bill Bennett would like this heavy-metal quartet. They had their heyday in the late '70s, with albums like *Hotter Than Hell*, *Dressed To Kill*, *Destroyer*, and *Love Gun*. Their appeal was as much theatrical as musical. The bandmembers painted their faces Kabuki-style and wore extravagant costumes. The formula worked: Kiss has sold over 80 million albums worldwide.

Thinking back to those glorious elementary-school years, I can only guess as to what I found so appealing. It probably had something to do with the members' ghoulish appearance and outlaw reputation. Rumor had it that they were cannibals, and the group's name was said to be an acronym for Kids in Service to Satan. I papered my room with photos of the band, particularly those showing Simmons flashing his seven-inch tongue. My mother tolerated this, but she wouldn't let me join the Kiss fan club (still known as the "Kiss Army"), and a concert was out of the question.

My interest in Kiss quickly waned when I went to junior high, where AC/DC was the hip heavy-metal group. In the mid-'80s, I even snickered when Kiss got so desperate for publicity they appeared on MTV one night and showed their bare faces, dispelling the mystique that depended on no one's supposedly knowing what they really looked like. By this time, two of the original members had left. But as the '80s turned into the '90s and the band was squeezed by rap and grunge, the aging rockers followed a predictable formula: The original bandmembers reassembled, put their makeup back on, and staged a reunion tour.

I'd like to say I was above all this, but when a lobbyist friend dangled Kiss tickets before my wife and me last month, I jumped at them.

As soon as we entered the arena in downtown Washington, it was obvious the audience consisted of two kinds of people: diehard Kiss fans (check out www.kissdominion.com for a sample of Kiss hysteria) and people like me, who were willing to brave the inevitable teasing to relive part of their youth.

Kiss has never been known for its modesty, and the concert we saw was no different. The MC introduced "the greatest band in the world," making way for the opening anthem, "Shout It Out Loud." The mostly white male crowd lapped it up, giving the traditional heavy-metal salute of raised fist, pinkie and index finger extended. The band, wearing exactly the same makeup and costumes as 20 years ago, frenetically moved about the stage, vying with the dazzling pyrotechnics.

But as the show progressed, I sensed something was awry. Gene Simmons was up to his old tricks—he pleased the crowd by breathing fire and vomiting gobs of pseudo-blood (a mix of eggs, yogurt, maple syrup, and red food coloring) during "God Of Thunder"—as was Ace Frehley, whose blistering guitar solos ended with his instrument going up in flames.

No, the problem was the anodyne environment inside the arena. At the last rock concerts I'd been to, in the '80s, the music was too loud, the temperature too high, the smoke intolerable, and if you wanted to be anywhere near the stage you had to risk your life amidst an uncontrollable press of bodies. You put up with it all as part of the concert experience.

Today, if Kiss is any indication, the rock concert has been completely sanitized. I could have held a conversation while the music played, the temperature was comfortable, cigarettes were prohibited—no traces, even, of pot in the air—and fans seated on the floor heeded the ushers' courteous requests not to rush the stage. Gone was the bacchanalian spirit of yesteryear: The band's frontman, Paul Stanley, introduced one song with a mini-sermon against drinking and driving.

The concert concluded with the crowd holding flickering cigarette lighters in the air and singing along to Kiss's sole ballad, "Beth." It was a priceless Kiss moment. The real message of the evening, though—spend your money on Kiss paraphernalia—only came through once the show was over.

The towering video screens, which during the concert had displayed hokey three-dimensional imagery, now offered words of thanks to the fans—and a pitch to call the Kiss hotline and get your Kiss credit card, boxer shorts, and throw rug. The number: 1-900-CALL-KISS.

Matthew Rees

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Futile Care and the Value of Life

Wesley J. Smith gives a chilling preview of the practice of denying medical care to the elderly, disabled, and chronically ill ("The Deadly Ethics of 'Futile Care Theory'," Nov. 30/Dec. 7). He also notes that such efforts will save little money, a fact demonstrated in a recent study in the *New England Journal of Medicine*.

For those of us who believe that physician-assisted suicide, euthanasia, and the denial of possibly helpful care are morally wrong and dangerous, this is good news.

But those who favor these practices may read the study differently: If insufficient money is saved by patients or families volunteering to end patients' lives, then they might be "encouraged" to accept it.

If savings are still insufficient, consent might be imputed for the demented, the confused, the aphasic, the disabled, the mentally ill, the homeless, and others whose "quality of life" is judged to be poor by physicians, HMOs, and bureaucrats. The key question is not precisely how much money will be saved, but how human life is to be evaluated. Once we accept that human life has no transcendent value, the battle is lost.

David C. Stolinsky
Los Angeles, CA

Pollock's Problems

David Gelernter's descriptions of Jackson Pollock's work illustrate a desire to impose meaning on a mode of painting that has no meaning and thereby raise it from the level of interesting decoration to the level of art ("Picturing Jackson Pollock," Nov. 23).

Gelernter fails because Pollock's personal experience is not represented in his paintings and is therefore not relevant to them. Pollock failed as an artist because he lacked not only the skill to represent reality but the courage to face it.

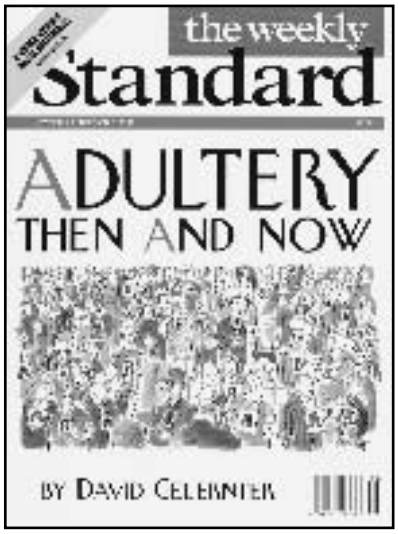
It is time to stop glorifying a failure of artistic nerve with a failure of understanding and common sense.

Harvey Gordon
Kalamazoo, MI

What an example of coincidental irony that David Gelernter's review of Jackson Pollock's retrospective show at the Museum of Modern Art is separated by a mere two pages from a review of Tom Wolfe's book *A Man in Full*.

It was Wolfe who ripped open the great gasbags of critical visual-art verbosity who had lifted painters such as Pollock, Rauschenberg, and Reinhardt out of obscurity. Gelernter joins the likes of Clement Greenberg in mystifying modern art to the level of sociology, which is best defined as "the verbose and belabored attempt to define that which is already supremely obvious."

Jack Frost
Colorado Springs, CO



The GOP and Race

Matt Labash is right about the Democratic Party's shameless race-baiting in the recent election, but he misses the larger point: Those tactics worked ("The New Race-Baiters," Nov. 23). With the higher than expected black voter turnout, the Democratic party defied history and picked up five seats in the House, held the line in the Senate, and toppled Republican governors in Alabama and South Carolina. More important, the midterm election results have spooked the GOP and triggered turmoil in the national leadership.

It should be noted that the Republicans did not spend a dime of their $37 million "Operation Breakout" media budget advertising on black radio or in black newspapers. This strategic blunder suggests arrogance, as well as ignorance of the political maxim that you can't beat something with nothing. The national GOP leaders' unwillingness to put their money where their rhetoric was belied the party's commitment to reaching out to African-American voters and allowed Democratic demagogues to demonize the GOP with impunity.

The truth is, the ads had little, if any, impact on races where GOP gubernatorial or senatorial candidates connected with African-American voters with a credible message of inclusion. Consider this: Texas Gov. George W. Bush and Michigan Gov. John Engler each garnered 27 percent of the black vote.

In Florida, Gov.-elect Jeb Bush, who wrote off black voters in 1994 and lost a close election, won with 14 percent of the black vote this time around. By contrast, African-American support for Republican congressional candidates fell to 11 percent from 18 percent in 1996.

The successes of some GOP governors notwithstanding, the Grand Old Party has a national image problem which can only be addressed effectively from Washington. The national party leaders must come to grips with the perception that the party is hostile to the interests of African Americans or GOP may soon stand for "Going Out of Politics."

Faye M. Anderson
Washington, DC

Preference for Education

Dinesh D'Souza seems to recognize that until the importance of cultural differences in children's formative years is recognized, the same old expectations of improvement in education will be addressed by putting more money into methods that have failed ("A World Without Racial Preferences," Nov. 30/Dec. 7).

School success depends—in addition to normal intelligence—on respect for the teacher, a grasp of standard English, and behavior suited to the learning environment. A child's mind

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is like a sponge. It absorbs everything in its environment, starting from birth. The cultural values of the home are baggage the child carries to school on the first day, and will inevitably define his in-school performance.

While we cannot reach into every home and provide two parents who value educational achievement, provide books and read to their child, and teach respect for other people, we might try to see that differences in preschool life have a major impact on performance.

There is no easy program to solve our educational woes, but if our citizenry refuses to look at the facts honestly, the hopeful expectations of millions of disadvantaged parents will not be fulfilled.

Dorothea Tamborski
Dayton, OH

Dinesh D'Souza observes that no one objects to the racial imbalance in the National Basketball Association, because it is acknowledged that only merit governs the selection of NBA players.

College admissions, he argues, should be similarly color-blind, unless "there are intrinsic differences between the races." Such differences, D'Souza says, would constitute "the strongest possible argument *in favor* of affirmative action." By this logic, if intrinsic differences account for the disparate success of blacks in basketball, then by law, each starting five should have three whites and a Hispanic (and half of each team should be made up of women).

Daniel Love Glazer
Chicago, IL

Modern Adultery

David Gelernter is right when he says "sometime soon, we will look at Clinton and it will come to us that we are looking in a mirror" ("Adultery, Then and Now," Nov. 30/Dec. 7).

But why should this come as a surprise to anyone? That sage of sages, Pogo, told us this many years ago when he said "we have met the enemy and he is us."

Richard R. West
Genoa, NV

No Consent

Harvey Mansfield believes that the election was about sex and elaborates on how the phrase "sex between consenting adults" was coined to legitimize homosexuality ("A Nation of Consenting Adults," Nov. 16). He then criticizes the term "homophobia" as though it were a bad joke.

It is these kinds of diatribes that cause Republicans' woes. Republican expectations in the last election were based on the issues they raised involving catching the president with his pants down. Instead, the election was about rejecting the mean-spirited, intolerant, Republican agenda.

Kepa Cho
Oakland, CA

Al Capone's Photo-op

In Christopher Caldwell's review of Harold Evans's *The American Century*, the caption to a famous picture reads: "Chicago Cubs' catcher Gabby Hartnett signs a baseball for Al Capone's son" ("Picturing Our Century," Nov. 30/Dec. 7).

In Laurence Bergreen's comprehensive biography, *Capone*, he debunks the popular myth behind this image. His caption for the same picture reads: "Al Capone attends a baseball game in Chicago, not long before his trial for income tax evasion commenced. The boy, sitting beside Capone, often thought to be the racketeer's son, is a stand-in."

Walter R. Heil
Yerington, NV

A Tribe Apart

The Scrapbook's mention of Laurence Tribe's Rodney Dangerfield treatment by the House Judiciary Committee caught my eye ("Laurence Tribe's Tantrum," Nov. 23). It struck me as ironic in that it mirrored Ken Starr's treatment before the same committee. I noted that every Republican addressed "Judge" Starr, while every Democrat questioned "Mr." Starr. I await with interest a report on Starr's e-mail.

J.H. Shale
San Diego, CA

With regard to Laurence Tribe's letter to Mr. Ramsey, a decent person should ask why it was published. There was a time when it was thought ill-mannered to read other people's mail. Assuming the letter isn't spurious, it is none of your business and certainly none of mine.

Can the conservative cause win favor by launching ad hominem attacks on good men and women of more liberal views? I don't think so.

Gerald J. Foster
Ephrata, WA

The Death of Ideologues

May an old and incurable Democrat, one who is sympathetic to much of the cultural agenda of today's Republican conservatives, give William Kristol and David Tell a bit of gratuitous advice ("A Teetering Republican Majority," Nov. 16)?

There are two kinds of conservatives: conservative ideologues, of which there are a small number, and temperamental conservatives, of which there are a great many. In a democratic polity the former can achieve little without support from the latter.

Only ideologues are able to talk themselves into a belief that un-conservative means can be used to bring about conservative ends. Temperamental conservatives, whose forte is common sense, recoil from such a strange idea. This recoil explains why conservatives have been able to make no gains in the last two congressional elections.

David R. Carlin
Newport, RI

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Moment of Truth

In marathon sessions all day Tuesday and Wednesday morning of last week, the House Judiciary Committee allowed the White House to summon 14 uninterrupted expert witnesses in a final defense of the president. Few of these witnesses said anything even remotely notable.

Former Johnson administration attorney general Nicholas Katzenbach gave explicit voice to one of the nastier subtexts of the impeachment debate: the implicit contention of the president's defenders that our government is no longer republican in form, even under the severest of tests, but has become a pure, plebiscitary democracy instead. Removal from office would be warranted only "if the president was extremely unpopular," Katzenbach announced, without the slightest equivocation. But Bill Clinton remains popular, so his impeachment is *a fortiori* without "any constitutional basis." Screw the Founders.

And screw the facts, as well. Bruce Ackerman of Yale was visibly overcome with pleasure at his own egghead ingenuity. The committee's current deliberations, he proudly announced, were pointless, even illegitimate—because a House impeachment report produced in an expired session of Congress (as this session is about to become) is technically invalid for trial by a succeeding Congress's Senate. Prof. Ackerman's startling discovery sent everyone briefly scrambling for his copy of *Jefferson's Manual* and the Twentieth Amendment. It turned out—oops—that Ackerman was wrong.

Summing up the rebuttal testimony Thursday morning, the Judiciary Democrats' investigative counsel, Abbe Lowell, rolled his eyes and rubbed his mouth in mock exasperation and astonishment. The evidence against Bill Clinton is "slight," he contended. And what "very little evidence that actually exists" points at best to "insignificant offenses." You propose to impeach the president, he told the committee's Republicans, "for acting as anyone would" under the circumstances. With his body language and tone of voice, if not his argument, Lowell clearly intended to indicate that the whole controversy was patently absurd.

Which was patently absurd itself. The Judiciary majority was not impressed, and as their work drew to a close, chairman Henry Hyde and his colleagues prepared to approve an impeachment resolution for consideration by the full House this week. Official debate over the Lewinsky scandal will continue, it appears, unchanged in any essential particular.

Any essential particular, that is, but one. For what the Clinton White House said last week on its own behalf inadvertently indicts and convicts the president as nothing else has all year long.

Late Tuesday evening, hours after it had been distributed to the news media, Clinton's public and private counsel delivered a nearly 200-page document to the Judiciary Committee. The submission purports to address, directly and comprehensively, every single charge now leveled against the president. Here at last, after eleven months of agonizing delay, is the long-sought, exculpatory "alternative theory" of the case. But for anyone knowledgeable about the law and familiar with the evidentiary record of the Lewinsky investigation, this alternative theory is a devastating failure—a tissue of evasions and dishonesty.

It is his lawyers' position that the sincerity of Bill Clinton's sworn testimony in the Paula Jones litigation and before the Starr grand jury must be stipulated. So long as he can retrospectively reinterpret the questions he was asked in such a fashion as to make his answers literally—if narrowly—true, then he is innocent of any lie. The White House says it bluntly: Any witness who can explain away his past remarks this way, as Bill Clinton is always able to, "cannot commit perjury."

As a matter of law, this is arrant nonsense. And as a matter of fact, it is altogether beside the point. The president's attorneys angrily and at great length reject an accusation that he falsely denied ever being alone with Monica Lewinsky. Except that no such accusation is lodged against him. On December 28, 1997, Clinton and Lewinsky met for the final time, dis-

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cussed the cover story she would maintain in response to her Paula Jones subpoena, and then shared a "passionate" kiss in an Oval Office doorway—while the president kept his eyes open, over her shoulder, to ensure they could not be seen. Twenty days later, at his Jones deposition on January 17, Clinton allowed the possibility, but claimed *not to remember* any specific private encounter he'd ever had with the young woman. That claim was perjury; the White House nowhere even attempts to prove otherwise.

Clinton's lawyers similarly sidestep—and even complicate—those of his lies related to still graver charges of witness tampering. Under questioning on January 17, according to the latest White House revisionism, the president freely admitted that he had knowledge of Lewinsky's subpoena "by the time of the deposition."

Here again, that is not the issue; Clinton was asked whether he was aware of the subpoena by the time of his *last conversation with her*, and that he *did* quite obviously and dishonestly deny. But in their eagerness to knock down their straw-man version of this perjury, the president's attorneys, apparently without realizing it, confess something much, much worse. In his grand jury testimony last August, Clinton insisted that he and Lewinsky only ever discussed concealment of their relationship "in a non-legal context." Last Tuesday, in writing, the White House conceded that this was false. The president "discussed with her the possibility that she would have to testify." The president had "a conversation with Ms. Lewinsky about potential testimony."

The president, in other words, obstructed justice. As he obstructed justice in the second of his infamous "We were never alone, right?" interchanges with his secretary, Betty Currie. In her first interview with the FBI, on January 24, Currie reported that the president had called her at home one recent evening, "possibly after midnight," to ask whether she'd seen the latest news about Lewinsky. The news in question "mentioned Currie's name" and also had "something about Linda Tripp doing something." The news was "bad." Currie hung up the phone and went back to sleep. When she next saw Clinton at the White House, he repeated his "We were never alone, right?" admonitions to her.

Which means he committed a felony. Not so, the president's counselors respond. Currie was never a formal witness in the Jones litigation, and Clinton could not have known, at the time he lectured her about such falsehoods, that there would ever be a grand jury inquiry at which she would be called to testify. All the president was trying to do with Currie, his lawyers explain, was "refresh his memory" and prepare for Lewinsky-related media questions prompted by a Sunday, January 18, Internet bulletin from the *Drudge Report*.

Except that it cannot have occurred this way. The *Drudge* bulletin at issue did not mention Lewinsky's name. It did not mention Currie's name. It did not mention Tripp's name. And Betty Currie did not tell the FBI that Clinton was concerned about the *Drudge Report*, in any case. She reported, instead, that the president was alarmed "that something would be in the *Washington Post*." Which could only have been a reference to the *Post* scoop of January 21, a scoop that did, for the first time, mention every principal by name—including Kenneth Starr. When he attempted to fill his secretary's head with lies about Monica Lewinsky, Bill Clinton already knew that he and both those women were about to be drawn into a major criminal investigation.

In this and other evidence, White House counsel Charles F.C. Ruff grudgingly conceded to the Judiciary Committee last Wednesday, there is "enough to give anyone who wishes it some intellectual cover" to vote for impeachment. Yes, there is. Enough—and plenty more. But mere "cover" is no longer necessary. And the time for endless sifting of the available facts has suddenly disappeared. For the president's own defenders have abruptly, if unwittingly, condemned him.

Since Kenneth Starr's impeachment referral first arrived on Capitol Hill, the White House has hardly let a day go by without citing the Founding Fathers on the limited circumstances in which a president may constitutionally be removed from office. Congress's impeachment power, Alexander Hamilton wrote, arises only "from the abuse or violation of some public trust" by the chief executive. Those words are quoted again—"the abuse or violation of some public trust"—in the defense brief Clinton's lawyers submitted last week to the Judiciary Committee.

It seems that standard has now been met, as even the president agrees. To forestall an impeachment vote by the full House of Representatives, Judiciary Committee Democrats last Wednesday night proposed an alternative resolution of "censure" against Bill Clinton—and in his bathetic "contrition" speech at the White House last Friday afternoon, Bill Clinton all but officially endorsed that resolution. The censure proposal pronounces, in language lifted almost verbatim from Hamilton's Federalist No. 65, that the president of the United States has "violated the trust of the American people" and "dishonored the office which they have entrusted to him."

Just so. And if he has violated a public trust, then Bill Clinton must be impeached. And if he has dishonored the presidency, then the presidency must be taken away from him.

—David Tell, for the Editors

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What I Saw at the Impeachment

by Andrew Ferguson

Rayburn House Office Building,
Tuesday Morning, December 8

At last! Finally! It's about damn time! The president has found a counsel who looks like someone you might leave alone in a room with your children. Greg Craig, despite carrying the title of special counsel to the president, dares to be inoffensive. Earnest. Sincere. Good hair. He gives every impression of being a well-meaning fellow doing his darnedest to ensure that everybody just calms down, takes a deep breath, gives a fair reading of the evidence, plumbs his conscience, and then lets the boss off scot-free.

What a contrast. Rahm Emanuel was so oily you could have bottled him for salad dressing. Lanny Davis quivers and snuffles like a man on the verge of a nervous breakdown—long overdue, by the way. David Kendall and John Podesta have faces so pinched and crabbed they can only reflect some soul-deep turmoil. But Craig is normal. You can imagine him going home at night to wife and kids in a center-hall brick colonial in Bethesda and coaching Buddy's soccer team and helping Sis with her Campfire Girls candy sale. Picture James Carville with a bunch of Campfire Girls.

> HIS LAWYER'S JOB IS TO INSULT CLINTON AS THOROUGHLY AS POSSIBLE WHILE STILL MAINTAINING THAT, DEEP DOWN, THE PRESIDENT IS A SWEETHEART.

So this is Greg Craig: a spokesman so nice they named him twice. Today is the long-awaited day when the president's men have journeyed up to Capitol Hill to make the president's case, and Greg is the man they have chosen to speak first. As he settles into his opening statement—his voice is like a purr—it becomes quickly apparent that his job is to insult Bill Clinton as thoroughly as possible while still maintaining that basically, deep down, the president is a sweetheart who never lied but feels terrible about all the lies he's told. At least I think I'm getting that straight.

For legal reasons, of course, Greg can't use the word "lied." "Sinful"? Sure, Greg volunteers. "Morally wrong"? You bet. And "evasive" and "misleading" and "blameworthy" and "maddening." But not a liar. "Open your heart," he advises members of the committee. (Since when did the White House decide that Republicans have hearts?) Greg is reasonable and calm and he promises the moon. "By the close of tomorrow, all the world will see one simple and undeniable fact," he says. "There is nothing in the record—in either the law or the facts—that would justify his impeachment and removal from office."

Greg's velvety presentation goes over very well with the committee; the deployment of the word "sinful" is a masterstroke. (Top that, Mr. Bauer!) His statement lasts a full 15 minutes, and normally, according to the traditional work schedules of congressional committees, this would be a good time for the honorable members to call a recess and knock off for some well-earned R&R. But Chairman Hyde has promised to run today's session straight through, without breaks for bathroom time or even feeding. So we are on to yet another panel of experts—panels of experts being this committee's stock-in-trade—beginning with a pudgy Princeton historian named Sean Wilentz, whose area of expertise is condescension.

Prof. Wilentz broaches two themes that are becoming *de rigueur* as the president's defenders make their case. The first is that, as a defender of the president, Wilentz is absolutely emphatic that he is not defending the president, who is "reckless" and "devious." (Doesn't anybody like this guy?) Wilentz even cites an article he wrote in the *New Republic*, proving that he thought the president was scum as far back as 1996. The second theme is a delightful inversion of common sense: that the "rule of law" is under assault not by a chief executive who lied under oath in legal proceedings and employed the vast resources of his office to impede the administration of justice but by the congressmen who are now following the constitutional procedure to remove him for doing that. At least I think I'm getting this straight.

To coax committee members gently toward accepting his view, Prof. Wilentz calls them myopic cowards, fanatics and zealots, guilty of "a degradation of conscience," and tells them that, if they disagree with him, "history will track you down and condemn you for your cravenness." I bet he's a tough grader. As the professor sputters away and steam begins to seep slowly from the ears of the assembled congressmen, poor Greg Craig stares at his hands. His shoulders sag. It's not hard to imagine what he's thinking. No sooner has the heroic counsel achieved what heretofore had been deemed impossible—defending Bill Clinton and

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seeming like a decent guy, all at the same time—than in a wink his hard work comes undone through the self-righteous mewling of this pasty Princeton puke. Greg himself is a Harvard man.

Tuesday Afternoon and Evening, December 8

For the second panel, the White House has assembled a trio of former Democratic congressmen who served on the House Judiciary Committee in 1974. O Days of Blessed Memory! This afternoon is for wallowing in Watergate, and as a Nixon-hater who lapped up every yummy morsel of the scandal as it happened, I fully understand the impulse. For Democrats of Clinton's generation, Watergate in general, and the committee's impeachment vote in particular, endures in memory as a sacramental occasion, a divine consummation, a moment of unearthly bliss whose perfection rests somehow on the condition that *it never, ever be repeated* until they can figure out a way to do it to another Republican president. And now the vulgarians, these Republicans with their clip-on ties and Wal-Mart Sansabelt slacks, are threatening to violate the memory. And it cannot be tolerated.

I think I'm getting this straight: Because Richard Nixon was almost impeached for asking the CIA to mess with the FBI, for misusing the IRS, and for authorizing the plumbers (the plumbers! the very word brings a thrilling shudder!), a president cannot be impeached unless he has done the same thing. This seems to be the argument made, chorus-like, by the three Watergate veterans brought before the committee. But there's more. Father Robert Drinan speaks dreamily of the "dignity of the majesty of the Rodino committee" and seems at times to be lapsing into reverie. Or maybe napping. Liz Holtzman thinks the president is "reprehensible," and the third panelist, an ex-politician from Utah who keeps referring to himself appropriately as an "old has-been," says President Clinton almost certainly perjured himself before the grand jury. I'm beginning to think the president needs some new friends.

They are followed this evening by James Hamilton, a Washington lawyer. He calls the president "disgraceful." He is joined by Richard Ben-Veniste, another Watergate veteran who served under the second Watergate special prosecutor, St. Leon of Jaworski. I notice that when he settles himself at the witness table, Ben-Veniste, a short fellow, perches atop a copy of the thick appendix of supporting materials that Ken Starr submitted to the committee. Talk about contempt for the evidence. Ben-Veniste says the president's behavior was "improper," since all the other insults have already been taken. Like their predecessors, the two lawyers insist that any article of impeachment has to be approved on a "bipartisan basis," which means that there can't be an impeachment unless the people who oppose impeachment vote to impeach. Am I getting this straight?

Wednesday Afternoon, December 9

Committee Republicans keep complaining that the White House is not addressing the facts of the case, but now, when chief White House counsel Charles Ruff appears before the committee ostensibly for that purpose, the Republicans scarcely ask him any factual questions at all. All the members labor under the traditional "five-minute" rule, allotting everyone 300 seconds to address the witness. The reasoning behind the rule reveals all you need to know about the purpose of congressional hearings. It allows every member a chance to have attention (and TV cameras, if present) focused on himself, while simultaneously making it impossible to elicit substantive information in any sustained manner.

As a result, Ruff's potentially illuminating Q & A proceeds at the customary stuttering pace. Everyone succumbs to drowsiness. I'm sitting behind the president's personal attorney, David Kendall, and I notice he's taken to doodling in a notebook. He draws three boxes and labels them "Draft Articles of Impeachment." In the first box he writes "A"; in the next he writes "An"; and "The" in the third. *Articles*, get it? He elbows his law partner Nicole Seligman, sitting next to him, and points to his doodle. She giggles. Heh-heh. A little impeachment humor. Which confirms my suspicion: This man knows how to party.

Suddenly the atmosphere changes. I notice a couple of Republicans have passed on their allotted five minutes, and when the questioning comes to the next-to-last Republican, Lindsey Graham of South Carolina, I see why. "Mr. Ruff," says Graham, in his Huck Finn drawl, "do you know Sidney Blumenthal?"

Lewinsky scandalphiliacs like me know immediately where he's headed—straight toward one of the more curiously unremarked elements in the case. Presidential aide Blumenthal testified before the grand jury about a conversation he'd had with the president shortly after the scandal broke, in which the president, in some detail, told Blumenthal that Lewinsky was a stalker—one sick little intern. Blumenthal is the White House's Leaker in Chief, and sure enough, stories started to appear in the papers that Lewinsky was . . . a stalker.

Graham starts reading out Blumenthal's testimony,

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and the air in the hearing room thickens. For the first time in hours Democrats are paying attention.

The minutes tick by, and Hyde announces: "The gentleman's time has expired. The chair recognizes the gentlelady from California, Ms. Bono."

And Bono says, "I yield my time to Mr. Graham," and Graham continues without pause, reading the press clips about Lewinsky the stalker, including one in which Charlie Rangel, the New York Democrat, repeated the accusation.

The Democrats begin to stir. When Graham's time is up again, another member yields his five minutes to Graham. "This is something that is more than consensual sex," he's saying. "This is something, in my opinion, ladies and gentlemen, where a high public official is using the trappings of his office, the White House, to go after a potential witness who possesses information that would hurt his political and legal interests."

It is—finally!—a moment of great drama, electrifying, even.

Now, powerful men who use their positions to slander young women are a great bugbear of Democrats, as we all know, and by the time Graham is reaching a rhetorical climax they are indeed on their feet, appalled. But they're appalled at Graham, not the president.

Peter Steiner

"Point of order!" shouts Barney Frank. "Mr. Chairman, a point of personal privilege," hollers Maxine Waters. When order is restored she accuses Graham of sexism and especially of "trying to set [Lewinsky] up to be angry at the President of the United States in case she's called as a witness." This is fast thinking on Maxine's part.

After the hearing concludes, and the hallways empty out, I find Frank sitting alone on a table outside the hearing room. I ask him what he thought of Graham's accusations.

"The single most despicable thing I've ever seen in Congress," he says.

Congressman, you've been in Congress almost twenty years. You mean this was the . . .

He stands up and points his finger. "The most despicable thing I've ever seen in Congress. To drag in a man of Charlie Rangel's integrity . . . "

But what do you think of what he said?

"Graham? He's obviously . . . "

No, the president. Why would the president tell Blumenthal all that?

"I don't know what Blumenthal testified to."

Well . . .

"And neither do you. Have you read his testimony?"

Sure.

"I do not know what Blumenthal testified to. Do you understand what I'm saying? Do we have some kind of language barrier here? I don't know that the president said that."

He said she was a stalker.

"Was she? Maybe she was. But to impugn Charlie Rangel, as though Charlie Rangel is some kind of dupe, as though he's some poor dupe who can't think for himself . . . "

Maybe the Republicans are right. Maybe there's no point in asking questions any longer.

Andrew Ferguson is a senior editor of THE WEEKLY STANDARD.

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Loser of the Week

by Tucker Carlson

Imagine you're Sean Wilentz. For years, you have labored in the vineyards of academia, writing footnoted books, getting tenure, rising to become director of the American Studies program at Princeton. Things are going well. Then, suddenly, you become famous—not for your research on 19th-century labor movements, but for defending Bill Clinton's sex life. One thing leads to another, and one December morning in the closing days of the Monica Lewinsky scandal you find yourself testifying on the president's behalf before the House Judiciary Committee.

The day after your testimony you get up early, pad downstairs in your slippers and retrieve the *New York Times* from the doorstep. There you are, above the fold and in color, hand raised solemnly in oath-swearing position. Pretty excellent, you think, though admittedly it's only a picture. You turn to the editorial page to see what the thinkers on the tenth floor of the *Times* building made of your performance. Your eye scans down the column—there's your name—wait! Something horrible is floating in the punch bowl. "For the most part, the Democratic case was well presented," the *Times* editorialist declares. "Only a gratuitously patronizing presentation by Sean Wilentz, a Princeton historian, marred the Democratic experts' argument."

Kevin Chadwick

Sean Wilentz

You almost drop the paper. Your ears turn red. You're humiliated. All of your friends are going to see this. Your family. Your students. *Other professors*. The *New York Times* has just accused you of acting like a buffoon in front of the entire country. And the worst part is, the *New York Times* is right.

In fact, the *New York Times* was merciful, printing just a small sample of what Wilentz actually said. Only cable television watchers, NPR devotees, and those physically present in the committee room last week had the full Sean Wilentz Experience, and none of them is likely to forget it. Wilentz began his testimony on a disingenuous note—I have not come to excuse Clinton's history of "equivocating" under oath, he declared, but simply "to defend the institution of the presidency, the Constitution and the rule of law"—and moved swiftly into a harangue of stunning pomposity, even by congressional standards.

As Wilentz explained it, House members now weighing the evidence against President Clinton have two options. They can vote to impeach—and risk subverting the rule of law, shattering the trust of the American people, committing a "gross dereliction of duty," violating their "oath of office," being condemned by future generations for "cravenness," or, at the very least, "going down in history with the zealots and the fanatics."

Or, Wilentz said, "you could muster the courage of your convictions. The choice is yours."

But what about the president's lies under oath? Isn't perjury impeachable? Won't the rule of law suffer if Clinton skates? Get real, said Wilentz. Those are "deeply mistaken and misleading arguments . . . nonsense, logically and historically, with all due respect."

Earlier this fall, in a statement he signed with several hundred other historians, Wilentz argued that Clinton's misdeeds are not impeachable because the president's "private behavior" and "subsequent attempts to deceive" are outside the bounds of what the "Framers saw as grounds for impeachment." The men who wrote the Constitution, Wilentz contended at the time, "explicitly reserved" impeachment for "high crimes and misdemeanors in the exercise of executive power."

Needless to say, there is nothing explicit in the impeachment clause about "the exercise of executive power," and by the time he got to the Judiciary Committee, Wilentz had dropped this part of his argument. Instead, he made the case that what Clinton did is not impeachable because . . . well, because lots of college professors say it's not impeachable: "The current charges against President Clinton do not, we American historians believe, rise to the level of impeachable offenses." Censure, by contrast, is just fine by the American historians. "There is no constitutional bar to censure. Anyone who proposes that has simply not read the Constitution clearly enough," explained

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Wilentz, who is neither a constitutional scholar nor a lawyer.

Serious people disagree about what is and is not impeachable, but in the end Wilentz wasn't testifying for the benefit of serious people—or even testifying at all. He was preaching. Here's how the sermon ended:

> You may decide as a body to go through with impeachment, disregarding the letter as well as the spirit of the Constitution, defying the deliberate judgment of the people, whom you are supposed to represent, and in some cases, deciding to do so out of anger and expedience. But if you decide to do this, you will have done far more to subvert respect for the Framers, for representative government, and for the rule of law than any crime that has been alleged against President Clinton. And your reputations will be darkened for as long as there are Americans who can tell the difference between the rule of law and the rule of politics.

For a moment, Republicans in the committee room—sinners in the hands of an angry history professor—looked stunned. Then they got mad. Rep. George Gekas of Pennsylvania denounced Wilentz's slurs as "despicable." Even the mild-mannered Mary Bono reacted grumpily. "I won't be labeled a zealot," she growled. Moderate Republicans, the fabled group Wilentz's testimony presumably was meant to impress, were turned off, too. "That kind of stuff did not go over well with members," says an aide to Michael Castle of Delaware, a leading impeachment fence-sitter.

Outside Congress, the verdict was just as harsh. Chris Matthews mocked Wilentz on his CNBC show for days, deriding "this band of academic people coming in and telling [congressmen] how to vote." A number of editorial pages took pains to slam Wilentz's testimony; his remark about zealots and fanatics was replayed endlessly on television. Apart from the White House, the only people who seemed to come to Wilentz's defense were Geraldo Rivera and Alan Dershowitz. ("Cravenness?" asked Rivera on his show that night. "Professor Dershowitz, does Professor Wilentz overstate?" "Not at all," replied Professor Dershowitz. "I think he's absolutely right.")

According to those who know him, Wilentz isn't usually this ridiculous in real life. Though unapologetically left-wing, he is regarded as honest and rigorous about historical accuracy. The courses he teaches at Princeton are for the most part straightforward and non-trendy. "He's a distinguished historian in an extremely eminent department," says Princeton legal theorist Robert George, who strongly disagrees with both Wilentz's politics and his views on impeachment. "He is no hack." And unlike many of his colleagues, Wilentz has long criticized the sillier manifestations of identity politics. As historian Eugene Genovese puts it, "Though he is very much a man of the far-left, he has bravely opposed the political-correctness crap."

Why would Wilentz risk his reputation to join the already bulging ranks of Clinton throne-sniffers? Maybe, says Genovese, a friend of Wilentz's, the demands of congressional punditry are simply more than the average Princeton professor can handle. "I don't want to speak specifically about Sean, but it is

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not unusual, under the pressure of time and the passions of the moment, to let your higher scholarly standards lapse and really not do your homework well," he says. As for why anyone would cite the Framers in defense of Clinton, Genovese seems baffled. "I come from a rather rough working-class neighborhood where attitudes toward women left a great deal to be desired," Genovese says. "But if anybody had said in the local pool room that someone had stuck a cigar into a woman, the attitude would have been, 'That's degenerate. You don't do that to a girl, not even a whore.' The idea that the United States of America, the supreme world power, would tolerate a man in office who is a palpable moral degenerate—the Founding Fathers would have choked."

Tucker Carlson is a staff writer for THE WEEKLY STANDARD.

THE SCARLET "I"

by Fred Barnes

THE LINE FROM PRESIDENT CLINTON'S CAMP is that the people have spoken on impeachment and they're massively against it. "The message of last month's election," said Rep. Jerry Nadler, Democrat of New York, was simply, forget about impeaching Clinton. Abbe Lowell, Democratic counsel on the House Judiciary Committee, claimed in his final argument against impeachment that "the public has been telling us for months" to back off. Former attorney general Nicholas Katzenbach told the committee that "for whatever reason, the public remains unpersuaded" by the case for impeachment. Law professor Jeffrey Rosen, like Katzenbach a Clinton ally, insisted in the *New York Times* that "the people have repeatedly instructed their representatives to bring to a close" the impeachment process. And many others have cited public opinion polls and the November 3 election in arguing for abandoning impeachment.

They're all wrong. The public has so far sent only one clear message both in polls and the election: Don't toss Clinton out of office. Nearly every poll, including the Election Day exit poll, has found the public to be roughly 2-to-1 against ousting the president. And the anti-removal majority has remained unchanged over the months since the Clinton scandal broke. Bad as Clinton's sins are, the public doesn't believe they warrant termination of his presidency. But some milder punishment? Fine.

Which leads us to the most appropriate form of punishment: impeachment as censure. This, in fact, is what many Republicans (and several Democrats) in the House plan to vote for. Yes, they know impeachment on a single count would necessitate a trial in the Senate. But Senate majority leader Trent Lott has given assurances it would be concluded quickly. And the president would almost certainly be acquitted and allowed to stay in office. The White House acknowledges Clinton faces virtually no risk of a Senate conviction. So, given this context, impeachment can be seen in a different light, not as a step toward the final punishment of expulsion, but as the likely final punishment itself. This, the public hasn't ruled out. Far from it.

The beauty of impeachment is that it would be a punishment that indeed punishes. It would forever stigmatize Clinton. The effect would be to stamp an "I" (for impeached) on his breast in the history books. Mere censure wouldn't do this. It would be seen, correctly, as Clinton's slipping the noose again. Allies like James Carville would instantly declare Clinton vindicated. And censure would loom small in the history of the Clinton years. Who remembered that President Andrew Jackson was censured? Practically no one. Clinton understands all this, which is why the White House and Democrats have begun to mobilize against impeachment as the ultimate form of censure.

Their tack is to portray a vote for impeachment as more than it necessarily is. What's before the House, said special Clinton counsel Greg Craig, is not simply a vote to impeach but "a vote to impeach *and* remove the president." Former Democratic representative Elizabeth Holtzman advised the Judiciary Committee that "Impeachment is not a kind of super-censure, designed simply to besmirch a president's reputation." Lowell asserted that "impeachment is not a form of rebuke or censure for the president's conduct." (He underlined "not" in his text.) And columnist E.J. Dionne, a Clinton sympathizer, wrote in the *Washington Post* that impeachment as "High-Test Censure" is wrongheaded. "Think of this as defining impeachment down."

No, think of it as the toughest and most appropriate punishment available, given knee-jerk opposition by congressional Democrats to calling Clinton to full account for his crimes. Nor is seeking impeachment as censure outside constitutional bounds. The House doesn't sit as a grand jury in impeachment cases. If it

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did, representatives who've been elected to the Senate beginning in 1999—Republicans Jim Bunning and Mike Crapo and Democrat Chuck Schumer—wouldn't be permitted to vote on impeachment in the House, then serve as jurors in the Senate. But nothing bars them from this, and all three intend to vote on the House floor. Schumer has participated fully in deliberations in the Judiciary Committee. Should the Senate be sent an impeachment count, it has great flexibility in responding. It can drop the case hastily, for instance, and pass a censure resolution. The fact is, the impeachment process is sui generis. It is what members of Congress make it. Analogies to the criminal justice system don't quite fit. Thus, while a grand jury shouldn't indict someone who stands no chance of being convicted, it's perfectly proper for the House to impeach even when conviction appears remote.

Now, how would the public respond to impeachment without conviction and ouster? Calmly, perhaps even favorably, I'd bet. It is a form of punishment only slightly harsher than the public seems to want. I'm extrapolating this from the somewhat muddled view people have of impeachment. For one thing, much of the public still thinks impeachment means removal. In a Fox News/Opinion Dynamics poll in October, 42 percent said just that, and another 18 percent didn't know. A sizable chunk, then, of the two-thirds of Americans who say they oppose impeachment are really expressing their opposition to Clinton's removal. No pollster, so far as I know, has asked directly about impeachment as censure. Instead, surveys invariably treat impeachment and censure as separate options. And here's a poll result to mull: 61 percent in a Gallup poll on December 9 said they oppose impeachment, but 50 percent said they wouldn't be angry if Clinton were impeached.

Still, pollsters have a pretty good read on the public's attitude about impeachment. For many Americans, says pollster Bill McInturff, "impeachment is a surrogate for removal from office. They think when we vote for impeachment it means [Clinton] is going to be removed." Says pollster John Zogby: Even "a lot of people you'd think would know better don't understand what impeachment is. . . . There's a double misunderstanding. To some, it's a summary execution. To others, it's endless deliberation. Neither of which is appealing." Zogby says the public wants a punishment that's "stronger than a slap on the wrist but they don't want to see the president thrown out." In one of his polls, 37 percent said Clinton should be entirely left alone, but the others wanted "something more than censure but not resignation." Impeachment qualifies.

One more thing. Clinton defenders are disingenuous when they claim the public has made up its mind, as evidenced by poll results, and that decision should be controlling. If they really believed polls should govern, they'd urge Congress to pass a school prayer amendment because 78 percent of Americans want one. They'd be for a flag-burning amendment (63 percent) and a balanced budget amendment (74 percent) and they'd ask Clinton to sign a ban on partial-birth abortion (55 percent). How should House members regard poll numbers? Judiciary Committee chairman Henry Hyde told reporters polls are "worth consideration," but they shouldn't be "determinative. People's consciences should trump everything else." Well said, Mr. Chairman.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

PROFILES IN COMPLICITY

by David Frum

"THE PRESIDENT IS SECOND TO NONE in recognizing what was wrong in his behavior and apologizing to those who he's affected and hurt." Those few words by presidential spokesman Joe Lockhart last Monday unintentionally revealed how President Clinton has come to stand on the brink of impeachment by the House of Representatives. He has apologized to those he believes have been affected by his behavior; by implication, then, those to whom he has not apologized are (in the president's opinion) unaffected by his behavior. Let's tally them up.

No apology has been offered to Judges Susan Webber Wright and Norma Holloway Johnson, although it was in their courtrooms that the president told his lies. No apology has been tendered to Paula Jones, either, despite the fact that it was her lawsuit that the president was attempting to thwart by lying. No presidential "I'm sorry" for obstructing, impeding, and deceiving Kenneth Starr's duly authorized investigation; no "won't do it again" to Congress for violating its statutes against perjury and witness-tampering; no "pardon me" to the American people for twisting and bending their courts and their laws.

To protect himself from personal liability, Bill Clinton orchestrated a fantastic campaign of lying.

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And even at this late date, the president cannot see that anybody except his wife has any right to complain.

This is not merely the idiosyncratic misjudgment of a clueless president: It's the heart and soul of the president's defense. The president's friends are now ready—eager—to concede that their man's behavior was "wrong," even "sinful." What they refuse to concede is that it was lawless. Thus an eminent professor of law at Yale University, Akhil Amar, could complain to *Salon* magazine that the House Republicans "keep saying [rule of law]. I have taught law at Yale Law School for 15 years, and I just don't understand what [Hyde] means when he says that."

What does Hyde mean? The case against the president is that he lied and enticed others to lie in an attempt to win a personal lawsuit. Then, when caught, he told further lies to a federal grand jury. And all the while he used public funds and public employees to impede and delay the investigation into his lies. Virtually nobody disputes this bare statement of the facts: In two days of defense argument before the House Judiciary Committee, even Clinton's lawyers chose not to dispute it, preferring instead to ransack the thesauruses for synonyms for "deceive." The question before the House of Representatives is whether a president who has lied like Clinton and who continues to repeat those lies, is worthy to preside over the American system of justice.

Akhil Amar not only thinks that such a president is worthy—but he cannot imagine how anybody could think otherwise. Some 200 congressional Democrats and four or five congressional Republicans appear to see things Amar's way. Some 200 House Republicans, on the other hand, believe that Clinton deserves impeachment and a Senate trial. And two or three dozen Republicans and Democrats in between will make the final decision.

One shudders to think of the terrible pressures that will be brought to bear on those three dozen men and women. They will hear that the fate of the global economy and world peace hangs on their vote; they will be bribed and bullied; they may even catch whispers that the sort of embarrassment that befell Henry Hyde, Helen Chenoweth, and Dan Burton is waiting for them. But one equally shudders to think of what it will mean for American society if this House can contemplate the truth about Bill Clinton—that he repeatedly, willfully, and unrepentantly perverted justice for his own personal and political advantage—and decide to let him off with a vigorous tut-tutting.

We've been hearing a great deal of late about Sen.

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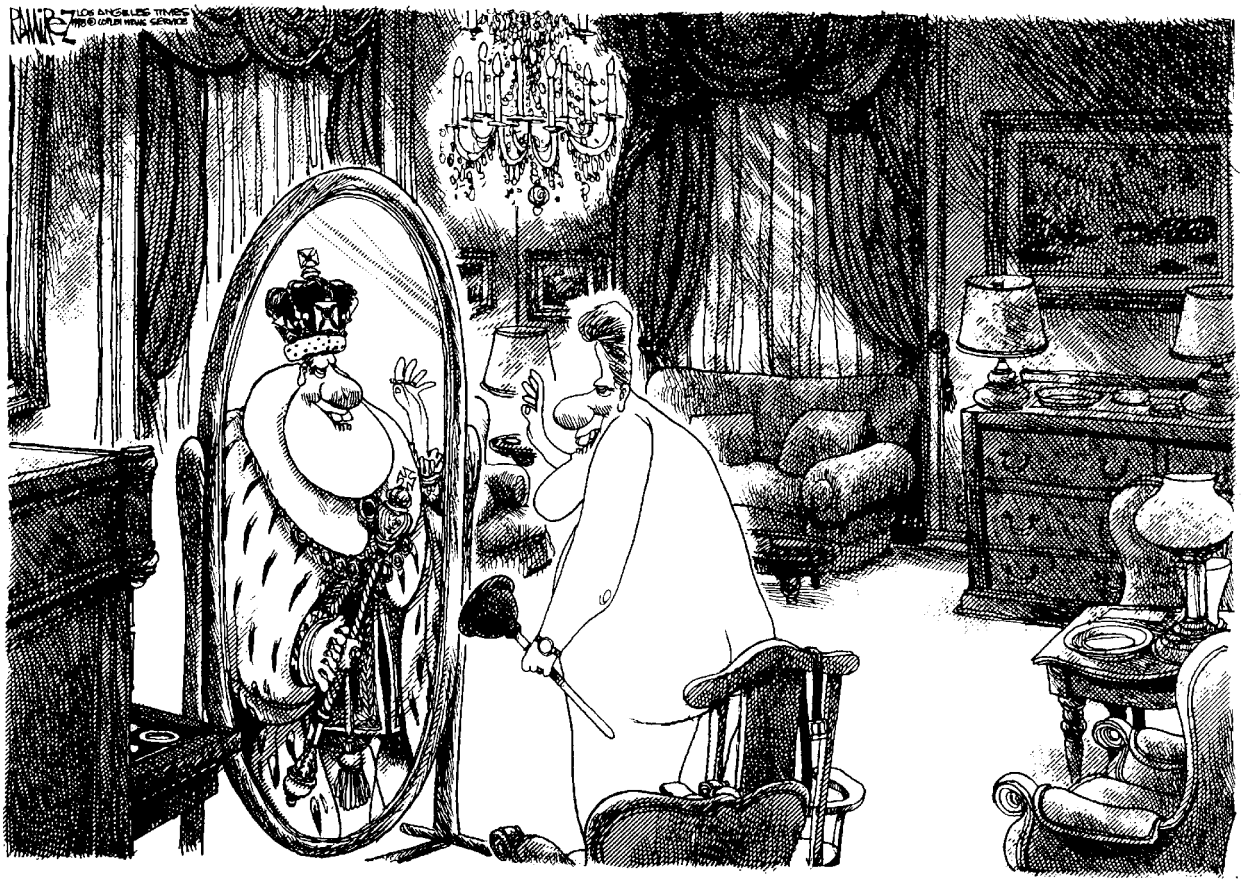
Edmund Ross of Kansas, the Republican who cast the deciding vote against removing President Andrew Johnson from office in 1868 (and who was lionized for that vote by John F. Kennedy in *Profiles in Courage*). It's more than a little amazing to hear Clinton's supporters lauding the congressman who kept America's most nakedly racist president on the job. They do it because they want to reassure waverers frightened to cast a vote against the president that their timidity is in fact bravery. But it's worth remembering that Roth did not vote against removal until after Johnson's plan for fastening permanent white supremacy on the South had been defeated. What would we now think of Roth if he had voted to save not just Johnson's job but Johnson's scheme? That is what Clinton is asking.

Clinton, we are told, fears being indicted for perjury after he leaves office, and so can admit nothing. He wants Congress not just to reprieve him, but to reprieve him in a way that facilitates his legal defense after January 2001. This is not courage; it is not even leniency; it is complicity.

Bill Clinton wants Americans to see his behavior as within the bounds of permissible presidential conduct: a peccadillo, really, the equivalent, as Judge Leon Higginbotham Jr. told the Judiciary Committee, of a speeding ticket. Will Congress assent to that proposition? Will it say that a president can tear up this country's laws when those laws threaten to cost him a few bucks in damages? Or will it serve notice, to this guilty president and to future presidents who may be even more ambitious, that unlike the distinguished law faculty of Yale, Americans and their political representatives still understand what is at stake when the country's chief executive demands the right to ignore laws and defy judges when they inconvenience him?

Everybody—Republican and Democrat, liberal and conservative—wants a strong and effective presidency. Nobody is comfortable calling for or casting an impeachment vote. Given the polls, it's understandable that a prudent congressman, Republican or Democrat, might hesitate to cast a vote against the president. But let us at least honestly describe this state of affairs. It is not a happy day for republican self-government when Congress acquiesces in presidential lawbreaking for fear of the president's power. If Congress fails to impeach Bill Clinton, the encomium it least deserves for its performance is courageous.

***David Frum is a contributing editor to* THE WEEKLY STANDARD.**



Michael Ramirez

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School Choice in America

By Michael W. McConnell

For the time being, the Supreme Court has allowed the Wisconsin Educational Choice plan to go forward. As a result, low-income families in Milwaukee can use their share of state education funds to attend the public or private (including religious) school of their choice. Teachers' unions and other groups opposed to choice argued that the plan violates the First Amendment by giving aid to religious education. On November 9, the Supreme Court denied their petition for certiorari. But no one thinks the issue will go away. It promises to be the biggest political and constitutional fight of the coming decade.

This is a fight that goes on only in the United States. Virtually every other Western democracy—including Canada, Great Britain, France, Germany, the Netherlands, Italy, and Belgium—already provides funding for private religious schools as well as public schools. In those countries, the availability of funding for schools run by religious minorities is considered essential to civil liberties. Here, by contrast, public funds have long been reserved for the use of schools owned by the state and controlled by elected school boards, and most traditional civil-liberties groups want to keep it that way. What accounts for the uniqueness of the United States?

Some may think the difference is that only the United States has a First Amendment forbidding aid to religion and protecting a robust tradition of religious diversity and toleration. They may assume the funding of religious schools in other countries is the vestige of an established church. But in fact, our system of publicly funding only public schools has little to do with the First Amendment and even less with religious toleration. It emerged from hard-fought political battles in the 19th century, in which anxieties about immigration and fears of Roman Catholicism played the leading role. Any consideration of the relation between educational funding and freedom of religion today must take into account this history.

Public education—meaning a system of free schools, open to all, and financed and controlled by the government—was essentially unknown to the Framers of the First Amendment. Prior to 1830, most American schools were private. Almost all (even those organized by towns) were conducted under religious auspices. Support for education from the public treasury, especially in the more religiously diverse big cities, typically took the form of grants to private schools for the education of the poor. By the Civil War, most northern states had established public school systems and ceased to support nonpublic education. Even so, during Reconstruction, Congress funded Protestant missionary societies to educate former slaves in the South.

> THE MISSION OF THE PUBLIC SCHOOLS WAS NEVER MERELY TO TEACH THE THREE R'S, BUT TO INCULCATE THE MORALS NECESSARY TO CITIZENS.

Yet by 1900, about 92 percent of the school population attended public schools, which were created, financed, and governed by the state. The public school had become the cornerstone of moral and economic uplift, and perhaps the most important agency of local government.

The establishment of public schools in every state, with exclusive access to public funds, was the crowning achievement of the Common School movement. Led by such reformers as Horace Mann of Massachusetts, the Common School movement believed that the states should provide common schools that would educate all children—rich and poor, Protestant and Catholic, native and immigrant—together, through a common "nonsectarian" curriculum.

To the Common School reformers, the principal mission of the school was never merely to teach the three Rs, but to inculcate the morals and ideals neces-

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sary to citizens of a republic. This task became all the more urgent, in their view, as immigrants swelled the populations of the large cities. These immigrants—who frequently spoke different languages, had different religions, accepted different cultural and moral standards, and lacked a commitment to American values—were the prime target of the Common School reformers.

"Nonsectarian" did not mean nonreligious. The Bible—the King James Version—was an important part of the daily schedule, and other materials were infused with religious and moralistic themes. Common School reformers steadfastly denied any intention of removing religious instruction from the schools—a program that would have been widely unpopular in an age when religion and civic virtue were seen as indistinguishable. Horace Mann explained that "moral training, or the application of religious principles to the duties of life," is the "inseparable accompaniment" to education.

"Nonsectarian," rather, meant having no connection to any particular religious denomination. Mann explained that the schools should "draw the line between those views of religious truth and of Christian faith which are common to all, and may, therefore, with propriety be inculcated in school, and those which, being peculiar to individual sects, are therefore by law excluded." Nondenominational Christianity was assumed to be "nonsectarian."

From a Catholic or a Jewish perspective, however, "nonsectarianism" was Protestantism in disguise. Historian Carl F. Kaestle describes the "ideology" of the Common School movement as centering on "republicanism, Protestantism, and capitalism." Catholic leaders complained, unsuccessfully, that the common schools propagated anti-Catholic teaching. They objected to the use of the King James Bible, as well as to the idea that the Bible could be taught and understood independently of the teaching authority of the Church.

Even some Protestants objected to the reformers' agenda, claiming that common-denominator Christianity amounted to Unitarianism, or what today would be called liberal Protestantism. (Horace Mann happened to be a Unitarian.) One Protestant critic told Mann: "Certain views that you entertain, you call religion, or 'piety.' These you allow to be taught in schools. . . . Those which clash with your particular views, you reject as 'dogmatic theology,' or 'sectarianism.'"

The most serious obstacle to the Common School reformers was the existence of private religious schools. By the end of the Civil War, most Protestant denominations (other than Lutherans) had abandoned their efforts to maintain private school systems, in large part because the Protestant character of the public schools made the financial sacrifice unnecessary. By the same token, the Protestant character of the public schools caused the Catholic hierarchy to redouble its efforts to provide Catholic schools for its children. It was during this period that the Catholic Church resolved to provide schools in every American parish and admonished Catholic parents not to send their children to public schools. The Common School movement disapproved of these nonpublic schools, arguing that they perpetuated religious division, as well as foreign prejudices and superstition. The "task of absorbing and Americanizing these foreign masses," an opponent of parochial schools testified in Congress, "can only be successfully overcome by a uniform system of American schools, teaching the same political creed." This, he said, would "continue us" as "a united, homogeneous people."

IN PHILADELPHIA IN 1844, A DECISION BY THE SCHOOL BOARD TO ALLOW CATHOLIC CHILDREN TO USE THE DOUAY BIBLE SPARKED RIOTS.

The "Schools Question" first came to a boil in the 1840s—a decade when immigration nearly tripled the Catholic population of the United States. Throughout the North and West, the religious content of the public school curriculum and the provision of public funds for nonpublic schools became a political battleground. The Democratic party generally supported the rights of Catholic schoolchildren to be excused from Protestant religious instruction (or to use their own approved version of the Bible in lieu of the Protestant King James translation), as well as the claim of nonpublic schools to a share of the school fund. The increasingly influential Know-Nothing party took the opposite position, and the Whigs—seeing a political opportunity—allied themselves with the Know-Nothings and crushed Democratic efforts.

In Philadelphia in 1844, a decision by the school board to allow Catholic children to use the Douay translation of the Bible sparked riots in which two Catholic churches were burned to the ground and several dozen people killed. In New York, the Whig governor, William Seward (later Abraham Lincoln's secretary of state), proposed that the state extend funding to

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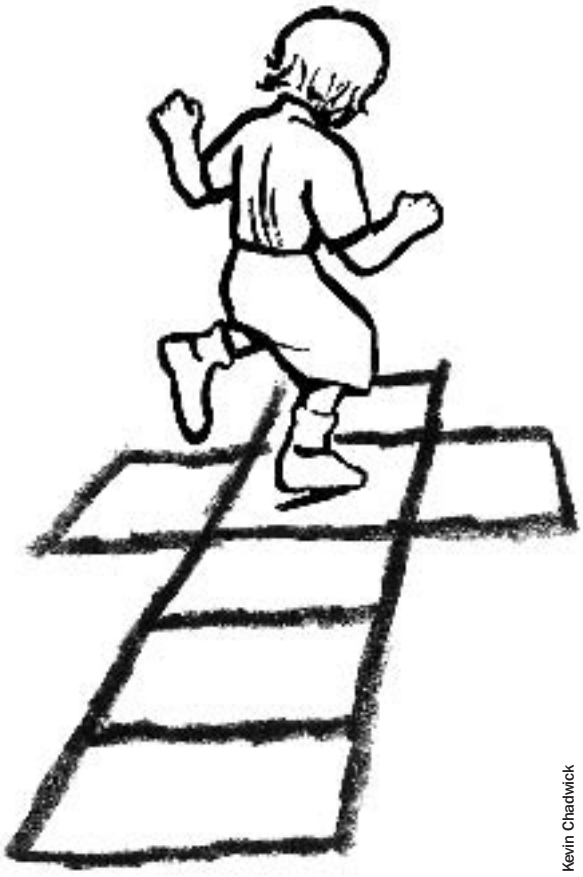
schools in which pupils would be taught by teachers of their own faith. This prompted vituperative debates at public meetings and in the press, in which Catholics demanded that all parents be able to educate their children in accordance with their own beliefs, and anti-Catholic spokesmen insisted that public funds not be used to teach superstition and disloyalty. After a bitter election in which candidates endorsed by the Catholic hierarchy were defeated, Seward's proposal was voted down, and for the first time public funds were devoted solely to government-run schools.

Similar controversies arose in Massachusetts, Connecticut, Maryland, Ohio, Michigan, Illinois, California, and other states, with the same result. In every state, high-minded reformist rhetoric was mixed with crude attacks on "popery." Protestant and anti-Catholic political forces portrayed Catholicism as antithetical to "Americanism" and Catholics' dissatisfaction with public schools as a sign of their disloyalty. "If the children of Papists are really in danger of being corrupted in the Protestant schools of enlightened, free and happy America," a Baptist publication editorialized, "it may be well for their conscientious parents and still more conscientious priests, to return them to the privileges of their ancestral homes."



Kevin Chadwick

After the Civil War, opposition to funding for nonpublic schools became a rallying cry for the Republicans, whose tactic of blaming the Democrats for the Southern rebellion (called "waving the bloody shirt") was wearing thin. In 1875, President Ulysses S. Grant made a speech to the Army of Tennessee in which he said: "If we are to have another contest in the near future of our national existence I predict that the dividing line will not be Mason and Dixon's but between patriotism and intelligence on the one side and superstition, ambition and ignorance on the other." "Superstition" and "ignorance" were code words in the anti-Catholic lexicon. Grant urged his listeners to

> encourage free schools and resolve that not one dollar of money appropriated to their support no matter how raised, shall be appropriated to the support of any sectarian school. Resolve that either the State or Nation or both combined shall support institutions of learning, sufficient to afford to every child growing up in the land the opportunity of a good common education, unmixed with sectarian, pagan or atheistical tenets. . . . Keep the church and state forever separate.

Republicans in Congress proposed, and nearly passed, the so-called Blaine Amendment to the Constitution, named after presidential aspirant James G. Blaine (who was narrowly defeated after a supporter's indiscreet denunciation of "Rum, Romanism, and Rebellion" inspired a backlash against anti-Catholic bigotry). The proposed amendment prohibited public support for any school or other institution under the control of any religious organization and for teaching "the particular creed or tenets" of any religious denomination. This was not intended to prevent public schools from teaching "nonsectarian" moral and religious principles supposedly common to all denominations. Indeed, the amendment expressly stated that it "shall not be construed to prohibit the reading of the Bible in any school or institution." The amendment thus would have enshrined in the Constitution the Common School vision that public schools could teach "nonsectarian" religion and that public funds could not go to nonpublic schools.

Supporters of the Blaine Amendment made no attempt to hide the connection to anti-Catholicism. Two of the Republican leaders in the Senate read at length from the Catholic Church's 1864 Syllabus of Errors and the 1870 Vatican decree on papal infallibility, explaining that this would show "what precisely

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this issue is." The amendment was defeated in the Senate, attaining only a 28-16 majority, short of the necessary two-thirds. But similar provisions—called "little Blaine Amendments"—were added to the constitutions of about half the states. It is these provisions, not the First Amendment, that pose the greatest legal obstacles to school choice proposals today.

The Schools Question still did not go away. Immigration remained high in the ensuing decades, fanning fears of losing a common American heritage. Nativist feeling reached its peak shortly after the First World War, when candidates affiliated with the Ku Klux Klan gained power in a number of states. Part of their program was a renewed attack on nonpublic education. In Oregon, voters approved a Klan-inspired referendum requiring all school-age children to attend public schools. The law was challenged in the Supreme Court, where lawyers defending it argued that it was an attempt to cure the "rising tide of religious suspicions in this country," which were caused by "the separation of children along religious lines during the most susceptible years of their lives." The lawyers argued that "the mingling together, during a portion of their education, of the children of all races and sects, might be the best safeguard against future internal dissensions and consequent weakening of the community against foreign dangers."

Despite this liberal sugar-coating, the Supreme Court unanimously held the Oregon law unconstitutional. According to the Court, "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only."

Well into this century, respected leaders of the intellectual elite—men such as philosopher John Dewey, journalist Walter Lippman, and Harvard president James Bryant Conant—argued that Catholicism was a threat to freedom of intellectual inquiry and hence to democracy itself. Dewey, for example, warned that aid to Catholic schools would amount to "the encouragement of a powerful reactionary world organization in the most vital realm of democratic life, with the resulting promulgation of principles inimical to democracy." Historian Perry Miller wrote that Catholicism is antagonistic to "free and critical education" and to "the democratic way of life." Justice William O. Douglas quoted a notorious anti-Catholic monograph in an opinion holding that aid to parochial schools would violate the Establishment Clause.

It was not until after World War II, when anti-Catholic sentiment began to wane in the urban states of the Northeast, that state legislatures experimented with modest forms of aid to nonpublic schools. At first, the Supreme Court narrowly approved these efforts, upholding a program of school transportation in 1947 and a textbook loan program in 1968, all the while articulating separationist rhetoric and warning against any expansion of the programs. In the early 1970s, the Court became increasingly hostile to public aid to nonpublic schools (while approving aid to religiously affiliated hospitals, universities, and other institutions). For the first time in American history, the Court held in 1971 that the First Amendment is a bar to public funding of nonpublic education.

By this time, the character of public schools had changed. In large part because of the Supreme Court's school prayer cases, as well as ideological shifts in the education profession, public schools in most parts of the country lost their Protestant flavor and became advocates for secular creeds—environmentalism, multiculturalism, gender equality, safe sex, and the like. As always, segments of the population that disagreed with the new educational philosophy were quick to accuse the schools of sectarianism (teaching the "religion of secular humanism") and, when unsuccessful, to form their own schools. Moreover, the declining quality of public schools, especially in the inner cities, caused many parents to seek alternatives for nonideological reasons. Thus, the debate shifted from its prior Catholic-Protestant axis to a more complicated contest between teachers' unions, inner city parents, religious conservatives, secularists, and school reformers.

The old Common School ideology, however, has continued to color the debate. Like Horace Mann, Supreme Court justice William J. Brennan, a staunch opponent of aid to nonpublic schools, insisted that the public schools are nonsectarian, writing in 1963,

> It is implicit in the history and character of American public education that the public schools serve a uniquely *public* function: the training of American citizens in an atmosphere free of parochial, divisive, or separatist influences of any sort—an atmosphere in which children may assimilate a heritage common to all American groups and religions. This is a heritage neither theistic nor atheistic, but simply civic and patriotic.

By contrast, Catholic schools were engaged in "indoctrination"—a term the Court used without embarrassment in reference to nonpublic schools.

It may be said that this 19th-century history is irrelevant to current debates over school choice. Opponents of school choice, back then, were often animated by nativism and anti-Catholic bigotry. Supporters of

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the public school establishment today are not bigots. But they have this in common with their 19th-century forebears: They are convinced that teaching their own cherished beliefs in the public schools (racial and gender equality, tolerance of diverse lifestyles, and so forth) is an education in true "Americanism," which is fair and neutral toward all groups in society, while nonpublic schools are "sectarian." In Justice Brennan's words, public schools impart "a heritage common to all American groups," while nonpublic schools "indoctrinate" children in "divisive or separatist" ideologies.

No one committed to a pluralistic society should accept that premise. Any school—at least any school that aspires to prepare children for responsible adulthood—necessarily has and imparts a viewpoint (if only moral relativism). No viewpoint is "common to all." No viewpoint is "simply civic and patriotic." Every viewpoint represents the triumph of those in power over those who are not.

The Establishment Clause of the First Amendment was designed to prevent any particular sect from using the powers of the state to promote its own views at the expense of the others. Other Western democracies have concluded that educational choice is a protection for cultural and religious pluralism—indeed, a step toward *disestablishment*. Why isn't the same thing true in the United States? ♦

Our Pitiful Iraq Policy

By John R. Bolton

President Clinton's embarrassing failure in November to punish Iraq militarily illuminates two broad and profoundly disturbing themes of his foreign policy. The first is his near-compulsive unwillingness to use decisive military force to achieve critical American objectives, even when conditions are nearly ideal. The second is his addictive adherence to multilateralism, reflected here in his continued preference for U.N. weapons inspections over the elimination of Saddam Hussein's regime. Like most of Clinton's policies, these themes are camouflaged, even contradicted, by rhetoric. Nevertheless, they will continue to be cause for concern during the remainder of his presidency. Accordingly, the Republican congressional leadership must develop a response.

Clinton has been at the brink of confronting Iraq militarily six or seven times, depending on how one counts, and each time he has shown the same lack of resolve he displays in other regions of the world. The administration will use military force if it is of the "pinprick" variety, as it did when it launched small numbers of cruise missiles against Iraq and against Osama bin Laden, and when it joined NATO military strikes in Bosnia. And Clinton will deploy military forces on the ground, but only in U.N. or post-U.N. peacekeeping missions, as he did in Haiti and the former Yugoslavia. The administration's one unambiguously successful deployment of military force—during the 1996 crisis in the Straits of Taiwan—did not actually require shooting. One wonders what Clinton might have done had China not quickly backed down.

During the November confrontation with Iraq, the United States enjoyed more publicly stated, international support for the use of punishing force than this administration had during any earlier confrontation. Eight Arab countries (the Gulf states, Egypt and Syria, all members of President Bush's coalition) said unambiguously that if force were used, Saddam alone would be responsible. "Iraq must heed U.N. Security Council resolutions and abide by them all to avoid military confrontation," they stated in a public declaration. United Nations secretary general Kofi Annan (the president's chosen instrument to bend the knee to Baghdad in February) said just before the November 14-15 weekend that "the rupture with the United Nations is a flagrant violation" of Iraq's commitments and obligations. Secretary of Defense Cohen took the trouble to emphasize international support when he said, "The Security Council's credibility is on the line. The U.N.'s credibility is on the line and, I think, U.S. credibility as well."

Even France and Russia were on board, or at least

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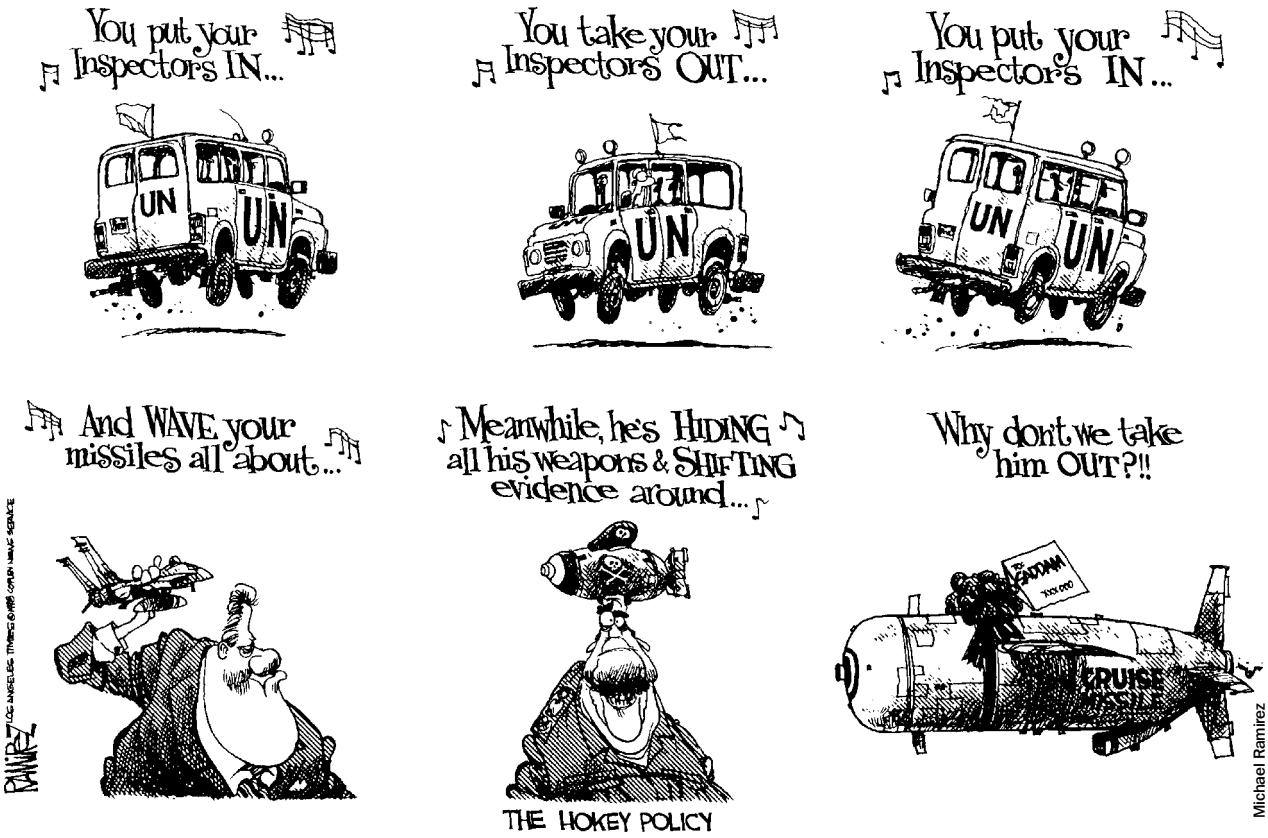

THE HOKEY POLICY

silent. British defense minister George Robertson exposed Saddam's charade by saying the Iraqi dictator was "dangerously underestimating the international community if he thinks he can go on playing cat and mouse with them." Secretary Cohen suggested too that the moment of truth was at hand: "Diplomacy always should have every opportunity to dance. But at some point a dance has a beginning and an end." Yet for President Clinton, the dance never ends.

What caused Clinton to back away from using the assembled and growing American military forces? Not the risks posed by Saddam's defense capability; not the threat of retaliatory use of weapons of mass destruction; not the threat of international terrorism; not the collapse of international support; not a pressing and unexpected domestic crisis. No, what convinced President Clinton not to use force was a series of *letters* from a regime that is one of world history's greatest serial liars. There was no more reason to believe these professions of Iraqi compliance than thousands of other Iraqi statements over the last eight years—which is why the administration's capitulation so illuminates Clinton's unwillingness to use force.

One has to conclude that the president's unwillingness to execute a military strategy profoundly troubled his own top advisers since all of them, except national security adviser Samuel Berger, rushed to leak that they had favored proceeding with the attacks. We can be equally sure that in Moscow and Beijing, and in Belgrade and Pyongyang, the American failure to use force—again—received more than passing attention. The most startling reaction, however, was the general silence of Republicans once Clinton's failures of nerve and judgment were apparent. Congress was silent perhaps because it was in recess or because it was in the middle of the impeachment process. It doesn't matter, because Republicans cannot afford to be silent during the remainder of the Clinton presidency.

The second theme illuminated by Clinton's retreat, his taking refuge in multilateral "solidarity," also explains why Republicans must regain their voice. Apparently the president believes that holding together an international coalition is more important than actually resolving the problem of Iraq—the reason the coalition was assembled in the first place. Thus President Clinton on November 15 talked vaguely about assisting opponents of the Iraqi regime, and then said—as the United States has been saying for eight

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years—that Iraq must provide "unfettered access" to U.N. weapons inspectors. The president went on, "Until we see complete compliance, we will remain vigilant, we will keep up the pressure, we will be ready to act." One wonders how he was able to keep a straight face, since it was precisely Iraq's repeated and defiant failure to grant "unfettered access" that had brought us once again to the brink.

By reverting to the discredited idea that U.N. weapons inspectors can eliminate Iraq's ability to produce weapons of mass destruction, Clinton has shown his refusal to learn anything about dealing with post-Gulf War Iraq. Most significantly, he has fatally undercut his purported support for the Iraqi opposition, since almost none of our international supporters publicly favor the overthrow of Saddam's regime. Neither do we, apparently; immediately after the president's November 15 remarks, Secretary Cohen said the president "was not calling for the overthrow of Saddam Hussein." Can anyone really doubt what the president will do if forced to choose between supporting U.N. weapons inspections (thereby retaining his multilateral cover) and supporting the Iraqi opposition (thereby standing alone)? Can anyone doubt that such a choice could be, at most, months away?

Indeed, the confrontation may be at hand: Last week, Iraq barred U.N. weapons inspectors in Baghdad from entering Ba'ath Party headquarters, which is probably a part of Saddam's "concealment mechanism," as former U.N. weapons inspector Scott Ritter has called it. By doing so, Iraqi officials have made hash of Samuel Berger's December 8 defense of the decision not to bomb: "It was a tough call, but the right call. U.N. inspectors are now back on the job." Apparently not. Perhaps even Berger will now see that he was wrong and regret having said, "By bombing after Saddam agreed to the world's demands, we would have lost our moral high ground. The issue would have shifted from his intransigence to our overzealousness." One wonders what "moral high ground" Berger believes the president occupies now.

As pitiful as the president's November performance was, the more unsettling prospect is two more years of this weakness—globally, not just in the Persian Gulf—and six more years of it if a President Gore follows in his footsteps. It is therefore imperative that Republicans respond, both because the 2000 presidential campaign is right around the corner and because it is the right thing to do. Republicans in Congress should review the administration's foreign policy failures through oversight hearings by all relevant committees and subcommittees. Foreign relations, defense, intelligence, and appropriations panels in both the House and the Senate can play a major political and educational role in the next 18 months. No amount of administration spin could undo the effect of prolonged congressional scrutiny of Clinton's fear of military force and his addiction to multilateralism. ♦

Minnesota's Sex-ed Rollback

By Katherine Kersten

Liberal Minnesota is the last place you'd expect to find an anti-"sex-ed" revolution. But in Osseo, a large suburban district near Minneapolis, parents fed up with "value-neutral" sexuality instruction have overthrown the old regime. Starting in 1999, Osseo schools will offer a two-track sex-ed curriculum for junior and senior high school students, and parents will choose the track they prefer. Across the nation, advocates on both sides of the sex-ed wars—notably the Reproductive Freedom Project of the American Civil Liberties Union—will be watching closely.

Osseo parents' first option will be the "comprehensive" or "safer sex" curriculum the district currently offers. This course assumes that many young people will have sex and aims to provide the knowledge and skills they need to do so safely. Abstinence is discussed, but the primary focus is the how-to's of birth control, along with "communication" and "decision-making" skills.

The new "abstinence-only" track has a very different goal. The curriculum will present abstinence as the "desired standard of behavior" and help students develop the character traits necessary to achieve it.

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Along with reproductive biology and sexually transmitted diseases, the course will cover the social role of marriage and the personal benefits a committed marriage can bring. Students will learn about birth control, but will focus on the related health risks rather than on the use of contraceptives. In addition, classes will study how to set goals, hone self-control, and avoid sexually compromising situations.

Parents have good reason to expect their children to benefit from the abstinence-only track. Teens are crying out for strong messages about abstaining from sex. (Today, almost 52 percent of high school students report that they are abstinent, an 11 percent increase since 1991.)

In a 1997 survey by the Association of Reproductive Health Professionals and the National Campaign to Prevent Teen Pregnancy, 68 percent of teen respondents said it is "very important" that teens be given a "strong message from society that they should abstain from sex until they are at least out of high school." In an Emory University survey of sexually active teen girls, 84 percent reported that what they wanted most from adults was information on how to say no without hurting boys' feelings.

Osseo's two-track sex-ed plan will create a new option for parents. Nevertheless, it has encountered fierce opposition—from teachers who resent parents' "lack of trust" in the status quo, and from advocacy groups wedded to comprehensive sex education. The ACLU, true to form, has threatened to sue.

The critics' reactions are revealing. They complain, for example, that the abstinence-only track is "not inclusive" and fails to reflect the district's "diversity." But just the opposite is true. The new plan creates diversity where none existed before. It gives a voice to parents who believe that sex belongs within marriage and who want their children's public-school instruction on this vital aspect of life to respect their beliefs.

It turns out the "diversity" argument is just a cover. There's a deeper reason why people who elevate choice and tolerance to quasi-religious principles in other contexts so vehemently oppose parents' right to govern their children's education in sexual morality. For 30 years, America's knowledge class has embraced the tenets of sexual liberation. This movement holds that sex is at the core of our identity and that sexual self-expression is critical to personal authenticity. In this view, to suggest that sex has a moral component—to make value judgments—is to impede life's central task of unfettered "self-actualization."

The ACLU has taken this notion the next step. Its Reproductive Freedom Project, launched in 1974, would elevate sexual expression for children to a legal right. Naturally enough, the project is fighting abstinence-only curricula in schools. According to an April 1998 memo in the project's resource kit for defending comprehensive sexuality education, sex-ed courses geared to abstinence withhold information students need to "control their lives," thus impeding the "full exercise of reproductive rights" and constituting "censorship." In addition, such curricula "instill fear and shame" and are "laden with racist and sexist stereotypes and religious prescriptions for proper behavior and values."

CRITICS COMPLAIN THAT THE NEW PLAN FAILS TO REFLECT "DIVERSITY." BUT THE OPPOSITE IS TRUE—IT CREATES DIVERSITY WHERE NONE EXISTED.

This battle is unfolding mainly on the state and local levels. The Reproductive Freedom Project, based in New York City, works with ACLU state affiliates as they build coalitions of educators, parents, and activists to lobby school boards, mount public-relations efforts, and monitor districts. The project also encourages affiliates to look for cases that lend themselves to legal challenge, though so far litigation has been stymied by the courts' deference to school boards on questions of curriculum. In 1991, for example, the American Civil Liberties Union of Wisconsin sued to halt use of the popular "Sex Respect" curriculum in the East Troy public schools but was unsuccessful.

In Osseo, the ACLU may smell a test case. Several months ago, the Minnesota Civil Liberties Union requested copies of the district's goals and objectives for the new two-track sexuality curriculum, as well as minutes of all school board meetings at which it was discussed. Apparently the MCLU is weighing a constitutional challenge based on the district's failure to maintain separation of church and state.

It is an irony of our time that champions of individual expression and freedom of conscience should oppose accommodation of difference for traditional Americans. When it comes to sexuality education, it is clear which kind of liberty the ACLU and its allies value most. From a parent's vantage point, it is just as well that they have shown their true colors. Even more helpful is Osseo's two-track curriculum—a practical model for communities struggling to make their public schools more welcoming to all. ♦

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Prostitution at the U.N.

By Oliver Starr Jr.

A recent report by the International Labor Organization—the United Nations labor panel—shows that not all of Asia's problems are economic. "The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia" is the ILO's 222-page survey of what it calls "sex work" in Thailand, Indonesia, Malaysia, and the Philippines.

"The sex trade is a flourishing economic enterprise," the ILO asserts, "and should be officially recognized as such." The study stopped short of calling for legalization of prostitution, but its editor, Lin Lim, said that "many choose it as the most viable, lucrative alternative."

The ILO report laments the fact that the "sex sector is not recognized as an economic sector in official statistics, development plans or government budgets" in the countries studied. But "the revenues [prostitution] generates are crucial to the livelihoods and earnings potential of millions of workers beyond the prostitutes themselves." Based on evidence from the 1980s recession, Lim concludes that "it is very likely that women who lose their jobs in manufacturing and other service sectors and whose families rely on their remittances may be driven to enter the sex sector."

In Thailand, the ILO found that prostitutes were sending as much as $300 million to their rural relatives each year. Based on that figure, the ILO report estimated Thailand's annual income from prostitution to be between $22 billion and $27 billion. The sex industry's revenues in Indonesia were estimated to be between $1.2 billion and $3.3 billion yearly. The study was researched before Asia's current economic crisis, but Lim says "the economic and social forces behind the sex trade show no signs of abating, especially in the face of the region's rising unemployment."

Nowhere does the U.N. charter laud prostitution as a "flourishing economic enterprise" or call for it to be "recognized as an economic sector in official statistics, development plans or government budgets." Yet this is exactly what the ILO report states. If such ludicrous proposals were carried out, what would governments call this income? Really Gross Domestic Product?

The report claims that many women choose prostitution "as the most viable, lucrative alternative." But as an alternative to what? Starving to death? Robbing banks? Embezzling? It is merely an attempt to put a happy face on what is indisputably sexploitation.

Michael H. Merson reports in the *Lancet* that "young Thai women from rural areas sold into bondage to sex-work establishments became the source of food, housing and luxuries for millions of Thais at the expense of agricultural development." Merson says that with Thailand facing hard times, and "with the AIDS epidemic now under some control and no new industrial or agricultural development planned, we are left to speculate that sex will be vital to the nation's economic rescue." And no moralism, please. Speaking openly about the sex industry, says Merson, "would threaten the public discourse of modernization [which] has come today to mean money, wealth, and Western materialism."

Small wonder Thailand, Indonesia, and other countries that look favorably on the "sex industry" are economic basket cases. It is truly disturbing to have a "modernization strategy" that profits from turning women into sex slaves while giving short shrift to developing industry and agriculture. The money-trumps-morality men running Thailand apparently think they can get more money for themselves, the rest of the ruling elite, and their so-called economy by having young women working on their backs rather than working at respectable jobs and professions.

When these rulers look at young women, they don't see human beings entitled to live free, constructive lives, but rather a rich vein of sex to be mined and rented out to high-rolling foreign sex-seekers euphemistically called "tourists." This is about as anti-woman as it is possible to get, which seems to have eluded some of our women's-rights advocates, who should be up in arms over women who are used and abused in this manner. Their silence has been remarkable.

This remarkably inane and repulsive ILO report offers more evidence that relying on the U.N. for guidance on virtually anything is like seeking advice on free enterprise from Boris Yeltsin. As for Thailand, Indonesia, and other countries run by sexocrats, there is no way these countries should be loaned U.S. dollars until they stop extracting money from prostitutes and quit mistreating and abusing their people in other despicable ways. ♦

Oliver Starr Jr. is a former editorial-page editor of the St. Louis Globe-Democrat.

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JACKIE LIVES

By Noemie Emery

Jacqueline Bouvier Kennedy Onassis, first lady of the United States for two years and ten months some thirty-five years ago, has been the subject of more attention than all the other first ladies put together.

In the four years since her death on May 19, 1994, there have appeared exposés and hagiographies, tributes and picture albums, most of them stunning. There have been books about her clothes, her sister and her in-laws, and a giant Sotheby's auction catalogue of her household effects. There are at least two novels by women about Jackie's effect on girls in the 1960s, and a study, *Jackie Under My Skin*, in which an English professor at Yale describes merely her image in his mind.

And what did she do to merit this furor? Nothing, except be herself. More like Grace Kelly than Mamie Eisenhower or Eleanor Roosevelt, she is famous not as a first lady, but as a type—the princess/adventuress/romantic heroine—whose progress through life is tracked closely by millions: a display of living theater. Her type is actually quite rare, but it has its examples, an international cohort of sisters united by fame and misfortune, caught up in legends gone wrong.

The first American example appeared early in this century with Alice Roosevelt, a blue-eyed blonde with a delicate face and an imperious manner. "If there was one person in the country who generated the kind of following

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rivaling his own, it was Alice," Peter Collier wrote of Teddy Roosevelt's daughter:

> Songs . . . were written for her. Because of her, more girls were called Alice than any other name. There was constant talk of making a match with a foreign monarch, and when Kaiser Wilhelm's brother Prince Henry had her christen his yacht *The Meteor*, the fact that he was already married did not stop the newspapers from speculating that he and Alice would have a royal wedding. . . . As "Princess Alice," she was one of the first national figures of gossip, with reporters avidly writing about her whereabouts, her friends, clothes, and beaux.

If Jackie's big sister is "Princess" Alice (who died, ninety-six years old, in 1980), her younger sister is Diana, Princess of Wales, whose death in a car crash in 1997 at thirty-six set off an orgy of mourning. All these women have things in common: personality traits, overlapping experiences, the way they came to fame. Each was an essentially private woman who became known through her relation to a public man. And each sustained that fame on her own.

All three were beautiful, photogenic, magnetic, stylish, and spoiled; willful, acquisitive, resilient, and canny. And yet, they often seemed unsettled and restless as well, with an aura of sorrow. They were self-centered and frequently generous. They were feminine, with whims of iron. They were world-famous beauties who could not keep their husbands faithful. They are fairy tales, cautionary tales, and morality tales rolled into one.

Each of these women was born rich, but none of them grew up in a happy home with both natural parents. Alice's mother died giving birth to her, and her distraught father passed her on to his sister while he went off to rebuild his spirits in the American West. Two years later he reclaimed her when he wed Edith Carow, but Alice was always aware of the difference between herself and the children of her father's second marriage. Jackie's parents fought constantly and divorced when she was eleven. Diana's mother bolted when the girl was six, and a wicked stepmother assumed the reins at home.

Each married young, to an older man, and their marriages soon faltered. They had to contend with unsympathetic, sometimes openly hostile in-laws. Alice married a man who, Collier says, was a "legend of debauchery in Congress." Jacqueline Bouvier did the same. Both Diana and Jackie, in her second marriage, wed men whose primary allegiance was to old lovers: Prince Charles to Camilla Parker-Bowles, Aristotle Onassis to opera star Maria Callas.

Edward Klein
Just Jackie
Her Private Years
Ballantine, 384 pp., $25.95

Kiki Feroudi Moutsatsos
The Onassis Women
An Eyewitness Account
Putnam, 368 pp., $25.95

Christopher Anderson
Jackie After Jack
Portrait of the Lady
Warner, 560 pp., $7.50 paper

Laurence Leamer
The Kennedy Women
The Saga of an American Family
Ballantine, 796 pp., $16 paper

Each had a way of pre-empting the spotlight. The royal marriage first became rocky on foreign visits, when crowds clamored for Diana instead of the prince. "I am the man who accompanied Jacqueline Kennedy to Paris," said John Kennedy in 1961. In 1905, Teddy Roosevelt included his daughter in an eighty-man delegation to the Far East. When the wife of war secretary William Howard Taft became separated from the party, she was able to rejoin it only by identifying herself as "the woman whose husband is traveling with Miss Alice Roosevelt."

After their first marriages ended, Diana and Jackie took up with men widely seen as unsuitable (perhaps seeking vengeance on their previous in-laws). For both women, the second matches were the keys to the kingdom of shopping. Accounts of what Diana and Jackie spent soon surfaced in tabloids, but, as usual, Alice had gotten there first. Her stepmother wrote to beg her "not to buy fifty hats at twenty dollars a piece and two dozen stockings at five dollars a piece and thirty veils and ten pairs of shoes. . . . How would you like Archie [her half-brother] to give up college to pay your debts?"

These high-maintenance women all enjoyed the high life, associating with the kind of people Teddy Roosevelt called "the malefactors of great wealth." Alice's father objected to his daughter's spending time with the children of the robber barons he was supposed to be fighting. Similarly, John Kennedy had been made uneasy by Jackie's cruise on the Onassis yacht, the *Christina*, in October 1963.

Self-denial was not among their virtues, but they all had deeper, more serious sides. Diana and Jackie raised their children well under difficult circumstances. Alice left the good works to her father and her cousin Eleanor, but she was a literate woman who earned the respect of a long line of presidents. Diana, at home in the world of Gianni Versace, visited the world of Mother Teresa and raised funds for her causes. These contrasts merely cranked up public interest: Which of all these were the dominant aspects? Which, in the end, would win out?

Jacqueline Bouvier Kennedy Onassis showed the world four faces: the delicate girl turned first lady; the dark tragic queen of the Kennedy funeral; the trophy wife of Onassis, dripping in rubies; and the single working mother in New York. Just when the public was sure it had pegged her, another face emerged. Interest in Robert Kennedy's wife Ethel faded quickly after her husband was murdered, but interest in Jackie—like that in Diana—only increased once the marriage was over. The public had an unending fascination with her days and her nights, her clothes and her houses, her children and her men. Especially her men.

Christopher Anderson (author of *Jack and Jackie: Portrait of an American*

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Marriage and *Jackie After Jack: Portrait of the Lady*) gives Jackie affairs with Marlon Brando, Frank Sinatra, and her brothers-in-law Peter Lawford and Robert F. Kennedy. Edward Klein (author of *All Too Human: The Love Story of Jack and Jackie Kennedy* and *Just Jackie: Her Private Years*) denies it—though he does unearth a two-year romance with John Carl Warnecke, architect of the Kennedy gravesite, that was so serious the two planned to marry. They didn't in the end because she cost too much to maintain. Having failed to marry one man that she loved because he couldn't afford her, she then married the one man who could.

Jackie—starring in Peter Collier and David Horowitz's *The Kennedys* and Laurence Leamer's *The Kennedy Women*—is usually seen as part of the Kennedys' ongoing family drama. But Kiki Feroudi Moutsatsos, a long-time employee and friend of that family, has written *The Onassis Women*, reminding us that Jackie also belongs to a different dynastic saga—of a clan much, much richer, just as star-crossed, and even more dysfunctional. There is Onassis himself. Tina, his neurotic first wife who died at forty-five under mysterious circumstances. Christina, his suicidal and neurotic daughter who died under her own mysterious circumstances at thirty-eight. Maria Callas, his neurotic and heartbroken mistress who died at age fifty-three, perhaps of sorrow. And Alexander, his difficult son who died in a plane crash at twenty-four.

Those who think money was all that Jackie saw in Onassis miss the fact that her true soulmate in the Kennedy family had been her father-in-law, Joseph P. Kennedy—another self-made tycoon and financial predator whose reputation was at best semi-respectable. Klein and Moutsatsos agree that the marriage with Onassis began with real affection. They also agree it was odd. The groom immediately returned to his mistress. The bride stayed with her children in America. And when they were together—in her New York apartment or his private island of Skorpios—they acted much more like guests of each other than like people sharing a home.

All photos: UPI / Corbis-Bettman

"Princess" Alice Roosevelt in 1900.

Jackie married Onassis to live in a bubble, safe from intrusion and violence and hysterical mobs. But the tabloids and cameras invaded her privacy, her new marriage exposed her to gossip and ridicule, and the ruin that came with her life as a Kennedy broke into her idyll in Greece. Onassis, after the rain of tragic deaths that visited him, focused on Jackie as the source of his troubles. This drove her further back into her own orbit in America, and she was not with him when he died in Paris in March 1975.

At age forty-six, a widowed Alice Roosevelt Longworth left her husband's Ohio forever. (Longworth's funeral—like François Mitterrand's—was attended by his mistress, and in revenge Alice destroyed his most valued possession, an old and very precious violin.) She returned home to Washington to pursue her one true calling: her profession of being herself.

At much the same age, Jackie Onassis came back to Manhattan to do much the same thing. Having stunned the world twice—with the Kennedy funeral and the Onassis marriage—she now stunned it a third time by doing the one thing no one expected: trying to live a simple, normal life—or as simple and

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normal as possible, given a Fifth Avenue duplex, a $30 million spread on Martha's Vineyard, and a $25.5 million nest egg (from Onassis) that quickly hatched into the $200 million range.

For the first time, she was free of money anxieties, of the many demands of her difficult in-laws, of ambitious and unfaithful men. She took a job in publishing, reviving her old interests in art, words, and fashion, and trying to reclaim the person she had been before she married John Kennedy and entered a world filled with power and danger. Her last beau, Maurice Templesman, was a millionaire, but a far more low-keyed one, who seemed to care more about her than her image. He was with her when she died in 1994, still very much an American princess. Like Princess Diana and "Princess" Alice, she was front-page news around the world when she died—though she had been a public person for less than three of her sixty-four years.

The shock at the death of Diana stemmed in large part from a sense of frustration: The film snapped in two halfway through the movie. Was her playboy boyfriend, Dodi, a phase? Would she have joined the jet set completely? Married a barrister? Joined a religious order? Settled down on a farm? Catty stories at the time said she had been spared a future of boy-toys and facelifts, but nothing is certain: Margaret Trudeau, the archetypal swinger of the late 1970s, was last sighted as a middle-class housewife in Ottawa.

No other royal provoked the hysteria that Diana did, but no other royal had her contradictions. No other first lady roused the frenzies that Jackie did, but no other first lady lived her life. No other first lady held her husband's brains in her hands, organized a stunning state funeral, upstaged Princess Grace at a spring fête in Seville, fought for a billionaire with a world-famous diva, racked up top marks in the fashion sweepstakes, and came home to work hard as a perfectly respectable professional woman (albeit a loaded one).

She was not a candidate for sainthood, as all her biographies make clear. "Jackie is too much of an egotist," said Onassis's sister (who liked her).

And yet, when it mattered, Jackie was there. An ethereal fantasist, she was nonetheless at her best when things were rough, and she did not abandon people in trouble. Dressing the gaping wound in John Kennedy's back after his 1954 spine operation, patiently wiping the drool from the mouth of her father-in-law after his stroke, forcing her sister into Alcoholics Anonymous and helping to bring up her daughter, tending her cancer-stricken half-sister, facing her own death without a whimper, she was as brave and self-absorbed as Scarlett O'Hara. A romantic who married two men for money and then wrapped them in myths so she could adore them, she is the stuff of which novels are made.

"But what has she ever done?" Stalin's daughter asked when, after fleeing Russia, she met Alice Roosevelt Longworth. But to put it this way is to misconstrue the whole matter. At this level, one doesn't have to *do*, just *be*. Be beautiful and sad, be complex and resilient, be willful, be charming, be strong.

This is life as a novel. It offers vicarious thrills in the heroine's spending sprees, yachts, clothes, and jewels. It shows us the power of money and beauty, and then—as surely as a biblical parable—tells us that one can be distraught on a cruise or in a castle, and that even the world's most beautiful women cannot keep their husbands. In the midst of the most unpredictable plot, it gives us the most satisfyingly predictable story.

In her later years, Jacqueline Kennedy Onassis had trouble believing that her life had really happened, or at any rate, had happened to *her*. Who can blame her? As an editor, she would have turned down a book that unlikely. Only real life can create such a saga. "Tell us a story," we ask of these women. And they do. ♦

Sophisticates Abroad

American Writers in London

By Algis Valiunas

If simply to be an American is "a complex fate," as Henry James once declared, then the fate of an American who chooses to live most of his life in England must be something more than complex—maybe compound complex, like an especially nasty fracture. In *Improvised Europeans: American Literary Expatriates and the Siege of London*, Alex Zwerdling, a professor of English at Berkeley, has written a book of uncommon interest about the fate of men like James during the nineteenth and early twentieth centuries.

Alex Zwerdling
Improvised Europeans
American Literary Expatriates and the Siege of London
Basic Books, 383 pp., $35

Algis Valiunas is a writer living in Greenacres, Florida.

Americans and Englishmen have always had a knack for getting under one another's skin. In 1820, Sydney Smith sneered, "In the four quarters of the globe, who reads an American book? or goes to an American play? or looks at an American picture or statue?" In 1832, Anthony Trollope's mother wrote a bestselling book denouncing Americans as a gang of shoving, shouting, swilling, tobacco-spitting yahoos. Charles Dickens came to America in 1841, hoping to see democracy in its glory, and went home profoundly disenchanted. Matthew Arnold, who visited in 1883, found Americans wanting in "awe and respect."

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Henry Adams

The American response to such English criticism often struck a plaintive note, but by the end of the nineteenth century, Americans had become more confident in their defiance. Henry Adams, who was Arnold's host in Washington, judged him "a melancholy specimen of what England produces at her best; but we ought not to be harsh towards the poor little island. It would like to improve if it knew how." Speaking in 1890 at a conference on the subject "Do Americans Hate England?," Andrew Carnegie declared it unthinkable that the richest country in the world, superior in manufacturing, mining, and commerce, should pay England the tribute of envy.

The English, who were accustomed to dishing it out, proved ungracious about having to take it. Henry James remarked that they did not much care for being mocked from the American viewpoint; it was, after all, Americans who existed for English amusement. And when William Dean Howells extolled James in 1882 as the principal novelist writing in English, the British uproar was deafening. That America should surpass England in wealth and power was bad enough; that Americans thought they wrote better books was unendurable.

In time, the English learned to admire the Americans. The Spanish-American War in 1898 made them proud of the former colony that was about to become an imperial power and do its part in spreading Anglo-Saxon civilization around the world. There was big talk about "the great ideal of Race Union," as one enthusiast put it.

But such talk was already out of date by the time it appeared. America was becoming more heterogeneous by the moment. In 1882, three-quarters of America's immigrants came from northern countries and only about one-eighth from southern and eastern Europe; in 1900, the numbers were nearly reversed. The sociologist Edward Ross warned that "the Caliban type" was defiling the American future. Theodore Roosevelt insisted that every married couple of "native American descent" owed it to their country to produce at least four children.

Stringent immigration legislation in the early 1920s cut the yearly intake of southern and eastern Europeans from 600,000 to 20,000. But by then, certain delicate spirits had already found their native shores uninhabitable. As Oliver Wendell Holmes said in 1887, "The time may come when a New Englander will feel more as if he were among his own people in London than in one of our seaboard cities." Henry Adams and Henry James had already beaten Holmes to the mark; Ezra Pound and T.S. Eliot would follow. It is on these writers that Zwerdling concentrates his impressive new study in comparative national temperament, the history of taste, and literary ambition.

Henry Adams (1838-1918), grandson and great-grandson of American presidents, served in London during the Civil War as private secretary to his father (whom Lincoln had appointed to represent the United States). English sympathy for the Confederacy infuriated the younger Adams, and he gloated over Union triumphs. And yet, despite his early resistance, London eventually won him over. In *The Education of Henry Adams* (1918), he remembered himself as "a young man who felt at home in England—more at home there than anywhere else." His father admonished him that Europe "unfitted Americans for America," and young Henry admitted as much after his first London year: "Three more years of this, and I shall never pass my life in America, nor permanently anywhere else."

He stayed in England six more years, and when he returned to America in 1868, as he wrote in the *Education* almost fifty years later, "His world was dead." Every "furtive Yacoob or Ysaac still reeking of the ghetto" was better suited to make his way in this new world. By almost anyone else's standards, Adams enjoyed remarkable success: Harvard professor, editor of the prestigious *North American Review*, perhaps America's premier historian and autobiographer, anonymous author of a

T.S. Eliot

All photos: UPI / Corbis-Bettman

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Ezra Pound

bombshell political novel called *Democracy*, potent counselor to Teddy Roosevelt's administration. But by the standards of the Adams family, he fell short. In 1890, "soaked with the kerosene of American ideas and interests," Adams headed off, vowing to return "whenever the nausea leaves me." During the next twenty-four years, he would be abroad more often than not, roaming the world with a *pied-à-terre* in Paris.

Henry James (1843-1916) was a friend of Adams's, and the letters of introduction Adams provided helped James to enter London literary circles and fashionable society. So did the eight books James published in England between 1877 and 1879: During the 1878-79 season, James dined out 140 times. After unhappy sojourns in Paris, New York, and Rome, he found in London the home he had been looking for. In 1882, he wrote of his adopted city, "It is not a pleasant place; it is not agreeable, or cheerful, or easy, or exempt from reproach. It is only magnificent."

Early in his career, James made his subject the contrast between Americans and Europeans, and, Zwerdling notes, the hallmark of such novels as *Roderick Hudson* is their "ethnological typecasting": Americans of resplendent innocence collide with worldly Europeans whose morals are smudged at best. James's renditions of this international theme, which achieved considerable moral complexity in *Portrait of a Lady* and *The Europeans*, made a name for him—but to a disturbing number of readers that name was mud. English reviewers objected to the lordliness with which his Americans took command of the Old World; Americans thought he lampooned his countrymen as rubes and hayseeds. His critical study of Hawthorne was greeted with particular horror in America, most notably for the famous list of the dozens of social institutions that James thought a novelist needs and America lacks.

In 1886, James brought out *The Bostonians*, a novel about America for American readers, and *The Princess Casamassima*, a novel about England for English readers. They only made matters worse. Americans reviled the one and the English dismissed the other, both regarding James as an outsider. Trembling but defiant, James determined to write "for one's self alone," as he told James Whistler. The remarkable novels that appeared between 1901 and 1904—*The Wings of the Dove*, *The Ambassadors*, and *The Golden Bowl*—were clearly designed to nobody's specifications but his own, conceding nothing to the taste of Boston or New York or London.

Such noble intransigence was to become the defining feature of literary modernism—although in cases like Ezra Pound's, it's hard to distinguish from insolence or even insanity. Pound (1885-1972) went to London in 1908 because he wanted to make the biggest splash in the biggest hurry in the place where nobody could miss it. Writing tirelessly (eight books and a hundred magazine pieces from 1908 to 1914), getting to know everyone sympathetic or useful, and seeing countless friends into print, he took the city by storm.

Yet the brighter he shone, the more contemptuous he became. He apostrophized one uncomprehending reviewer: "You fungus, you continuous gangrene." By 1920, T.S. Eliot, whom Pound had discovered and launched, worried that all British doors had been closed to Pound. Nor was there any going back to America. Pound spoke of himself as an exile: The immigrant hordes that had taken over his former home. "One knows that they are the dominant people and that they are against all delicate things." Pound planted himself in Paris for a few years, then moved on to Italy. When he did return to the United States, it was not by his own will. Charged with treason for pro-Fascist radio broadcasts from Italy during World War II, he was judged psychotic and spent twelve years in a Washington hospital for the criminally insane.

When T.S. Eliot (1888-1965) arrived in England in 1914, he was a Harvard doctoral student in philosophy, off to spend a year at Oxford. He wrote poetry, but did not think much of it until he met Ezra Pound, who informed his new protégé that he was sensational. Philosophy and America gave way to poetry and England, where Eliot would spend the rest of his life. He spoke and wrote the King's English, worked in a distinguished English bank, became a director of a leading English publishing house, wore spats, carried an umbrella perfectly furled, and decked himself out in what Vir-

Henry James

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ginia Woolf called his four-piece suit. And while the real English sniffed and pronounced him "overdone with manner," William Carlos Williams assailed Eliot for walking out on his native literature: Abandoning "the western dialect," Eliot had undermined the efforts of American poets.

But it was not distaste for indigenous poetry that drove Eliot away. Like Pound, Eliot did not think of America as his. The presence of "large undigested lumps of foreign races" was what made him gag. Indeed, later in life he declared his appreciation of the literature he had left behind. In "American Literature and the American Language," a lecture delivered in St. Louis in 1953, he honored the achievements of Poe, Whitman, and Twain, and declared that it was Americans—Pound, Williams, Wallace Stevens, Marianne Moore, E.E. Cummings, Hart Crane, John Crowe Ransom, Allen Tate—who had been the pathbreakers in twentieth-century poetry.

Zwerdling's book is rich and convincing. Still, when he argues that England grew to respect America simply because America became too powerful to belittle, he overlooks democratic changes occurring in England herself. So too, Zwerdling overstates when he contends that James shows that "the moral categories for evaluating people" are "useless"; moral complication is not moral obliteration. But these are minor imperfections in an admirable book about Americans, exquisite in mind and darkened in soul, who yearned for a place they could call home. ♦

KING COLE

The Luxury of Cole Porter

By Eric Felten

In late 1943, film mogul Jack Warner paid the extravagant sum of $300,000 to Cole Porter for the rights to make a movie about the composer's life. But it would be more than a year before filming would start—in no small part because Warner Brothers' screenwriters had no idea how to make the "biopic" work.

William McBrien
Cole Porter
A Biography
Knopf, 459 pp., $30

It wasn't that Porter was uninteresting. Living the high life in Paris in the 1920s and 1930s, hobnobbing with F. Scott Fitzgerald and Noël Coward, earning fame and fortune: These are hardly the humdrum of an ordinary existence. But even so, Porter's life lacked anything resembling drama. As Orson Welles put it, "What will they use for a climax? The only suspense is—Will he or won't he accumulate ten million dollars?"

In an effort to manufacture some dramatic struggle, the screenwriters went looking for early know-nothing reviews panning the songwriter. They couldn't find any. A researcher named Herman Lissauer came up empty after plowing through fifteen volumes of yellowing newsprint: a near-encyclopedic compendium of press clippings Porter's wife Linda had compiled. Porter remained convinced that he had taken a shellacking in the press and complained to the film's producer, Arthur Schwartz, that Lissauer "has not been thorough enough." So Schwartz went through the scrapbooks himself—and wrote back to Porter: "It looks as if you are in the rather ironic position of a man disappointed by the lack of bad notices."

In 1946, the Porter biopic *Night and Day*, starring Cary Grant, was finally released, credited to four different screenwriters. With such tepid material to work with, Grant finally gave up complaining about the lousy plot and dialogue and instead delayed production by demanding that only an eighth of an inch, not a quarter, of his shirt cuffs be allowed to show. It is a testament to Porter's songs that the film ever reached the screen.

This lack of drama in Porter's life has proved no less a stumbling block for William McBrien, the composer's latest biographer. McBrien isn't much of a story-teller, and though he gives in his new *Cole Porter* an accurate and thorough account of the man's life (and presents as well what Hollywood in the 1940s couldn't possibly manage: Porter's promiscuous homosexuality), his picture is hardly more compelling than *Night and Day*.

Born in Peru, Indiana, in the summer of 1891, Porter was the sole son of a doting mother, Katie, whose only real effort at discipline was to make the boy practice the piano. He was named after Katie's father, J.O. Cole, a rugged businessman who made his fortune selling supplies to miners in the California gold rush. J.O. wanted his grandson to go to military school and then into business, while Katie wanted something more refined. After a bitter struggle, Katie won, sending Porter to Worcester Academy and then to Yale, where his gifts first brought him acclaim, of sorts. He became famous for his football songs, some still used by the boula-boula crowd—though it's hard to find in them much prediction of his future: There's a big gap between "Bull dog! Bull dog! Bow, wow, wow / Eli Yale!" and "When love congeals / It soon reveals / The faint aroma of performing seals."

J.O. Cole still hoped his grandson would manage the family's holdings, and after Yale, Porter enrolled at Harvard Law School. But after a semester, the dean himself told Porter that he was better suited to music than the law. By 1916, he was at work on his first musical, a Gilbert-and-Sullivanish flop

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UPI / Corbis-Bettman

Cole Porter in 1926.

called *See America First*. Then came the war, and he was off to France (where nobody quite knows what he did, other than strut about Paris in a perplexing variety of snappy uniforms).

After the armistice, Porter stayed on in France, where he met Linda Lee Thomas, a rich socialite divorced from a cruel husband. They married in 1919, and with their charm and money quickly became the center of the expatriate social scene. Linda seems to have been more mother than wife to Porter: eight years older, she probably knew of Porter's homosexuality before they were married and grew cross with him only when, over the years, his taste for young men became indiscreet.

Astonishingly—given the means and the temptations to slip into dissolute torpor—Porter continued to study music and scribble songs. Throughout the 1920s, he wrote tunes for shows in Paris and New York and became friends with the other great popular composers of the age, Irving Berlin and George Gershwin. His first big Broadway show, *Paris*, opened in 1928, and included the hit song "Let's Fall in Love."

Unlike the work of Rodgers and Hammerstein or Lerner and Loewe, few of Porter's shows are remembered or performed. His composing peak came during the period when the plot of a musical was often simply a showcase for its songs. In those days, as Porter himself put it, you could just have a girl step out from behind the curtain and start to sing.

But though the shows to which Porter's songs were attached have faded (with the possible exceptions of *Kiss Me Kate* and *Can-Can*), his songs have become a cornerstone of popular American music: "Night and Day," "Anything Goes," "What Is This Thing Called Love," "I've Got You Under My Skin," "Easy to Love," "It's All Right With Me," and many others. As a lyricist Porter is rightly considered one of the best; so too as a songwriter. But as a composer who penned both words and music, he stands alone, unmatched even by Irving Berlin.

Just as Schwartz and his screenwriters searched for villainous critics to provide some drama in *Night and Day*, so McBrien tries to juice up his *Cole Porter* by inventing a crowd of kill-joys and bluenoses whom he labels (with no great originality) the "puritans." These puritans were always complaining about skimpy costumes, adult situations, sexually suggestive lyrics, and other depravities. And, to hear McBrien tell it, they hounded poor Porter in a never-ending effort to bowdlerize his art.

Of the 1938 show *You Never Know*, for instance, McBrien observes, "As usual, puritans in the critical ranks warned readers of 'tawdry vulgarities' and 'obscenities' to be encountered in the show." When the 1950 *Out of This World* got the same treatment, he declares, "How wearied Porter must have been by the perdurance of such stern and censorious judgments."

It's true that Porter was able to call "Love for Sale" (a prostitute's lament) his "step-child" because it was banned from radio. But the vast majority of Porter's songs were celebrated, not censored. He often saw songs pulled from shows, but it was almost always by producers trying to home in on the most successful material. And if a song was bumped from one show, it went into a trunk from which he might rescue it for a new production. Sometimes even his best material had to be pulled. "From This Moment On" was dropped from *Out of This World*, but the censors were not to blame—nor, for that matter, was the producer. Porter had cast as the lead a handsome young man he had spotted on the street, and he couldn't

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sing the demanding song. "From This Moment On" went back into Porter's treasure-chest and reappeared in the movie version of *Kiss Me Kate*.

The puritans were not Porter's enemies, for without them his art wouldn't have flourished. (It should be noted that McBrien doesn't mind a little censorship here and there, so long as it comports with current standards of political correctness. He doesn't complain, for instance, that Porter, "seeking not to offend," changed the line "Chinks do it, Japs do it" to "Birds do it, bees do it" in "Let's Fall in Love.")

How can one be racy if there are no stodgy standards to tweak? How can there be innuendo in the age of the full monty? Porter lived in a time when a popular songwriter could not pen anything so forward as the rap lyrics "Do me / Do me / Do me." But that didn't mean there could be no sex, just that it had to be couched in double-entendres: "Pilot me / Be the pilot I need. / Please give my ship / A maiden trip, / And we'll get the prize for speed."

Outsmarting the censors is a game that favors the clever and witty—which is why, when the blue pencils are out, the clever and witty like Cole Porter succeed. He was so good at bamboozling the moralists that they let the naughty "My Heart Belongs to Daddy" play on the radio for weeks before figuring out that it wasn't about an adoring daughter's love for her father.

Just as Porter needed the censors as a foil for his tunes to succeed, so too he needed an audience with the education and taste to appreciate both his wordplay and the complexity of his best melodies. (Asked what tools he used in crafting lyrics, he credited "Roget's *Thesaurus*, an atlas, Fowler's *Modern English Usage*, and a dictionary.") In Porter's day, the Broadway theater crowd were the taste-setters for much of popular music. It was a wealthy audience dominated by savvy fat cats with Ivy League degrees.

Himself a modern aristocrat, Porter credited elite audiences with his success. In the winter of 1939—more than a year after the riding accident that crushed his legs nearly to the point of amputation—Porter sought relief in the warm sun and salt water of Havana. Lying on the beach, he took solace from the flotilla of huge yachts anchored off-shore. "As long as there is that much money," he told a friend, "there must be opulent audiences for [my] brittle and sparkling songs and lyrics, most of which concern themselves with people who do smart and expensive things."

It wasn't just his lyrics that were smart and expensive. So were his melodies and harmonies. McBrien is at his weakest attempting to analyze Porter's music: Barely a page goes by without a snippet of lyrics, but not once in the entire book does the author provide even a shard of a tune for inspection. But McBrien does stumble across at least one accurate description of the songs. "The complexity of Porter's best work sets him somewhat apart from the other great songwriters of the first half of this century," McBrien quotes Walter Clemons. "A Porter song is a luxury item, expensively made ('Begin the Beguine' is 108 bars long)."

That was structural extravagance even in its own day, when the thirty-two-bar form was dominant. Nowadays—when we're lucky to get a pop tune twelve bars long—songs have ceased to be luxury items. Perhaps it is that the audience lacks the education to appreciate them. Or perhaps it is that the skill to create them has been lost: Where would you find someone to make a Fabergé egg, even if you had the money to pay him?

Legend has it that Porter worked out the lyrics to "At Long Last Love" while pinned under the horse that left him in pain for the rest of his life. "Is it in marble or is it in clay?" the song asks of an infatuation. "Is what I thought a new Rolls, a used Chevrolet?" Living as we do in an age when the airwaves are cluttered with junkyard Chevys, at least Cole Porter left us a fleet of shiny Rolls-Royces to admire and enjoy. ♦

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If...

If you can keep your head when all about you
  Are giving it, and blaming it on you,
If you can trust your injured wife to tout you,
  And yank your daughter back from college too;
If you can hate, yet earn more love for hating,
  Or being hunted, leak the hunter's files,
And having mated, damn the foe for mating
  While whimpering in anguish at his wiles;

If you can dream—and then make dreams your mistress;
  If you can think—"This buxom aide and I
Might dally midst the West Wing aspidistras…"
  And seldom lay but that you also lie;
If no defect of character can hurt you,
  If you can listen calmly while your sins
Are fervidly construed as civic virtue
  By pudgy congressmen with sticky chins;

If you can turn your back on a casino,
  And by so doing, half a million win,
If, by spurning Vegas, you can count on Reno
  (No Babbitt gambles—where the fix is in);
If one or two undemocratic nations
  Can buy your country's secrets for a song,
Yet Fourth and Fifth Amendment perorations
  Will prove that two rights sometime make a Huang;

If you can shed both Foster and McLarty
  (Yet both send tardy notes for your excuse),
If you can faze an all-forgiving party
  With *60 Minutes* worth of rank abuse,
If midterm balloting is non-committal
  And Zogby polls aren't changing for the bad:
Cheer up. The chances are you'll earn acquit-
tal.
  But as for *manhood*? Way too late, my lad.

—with apologies to Rudyard Kipling

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